

# "Whose Servant I Am"

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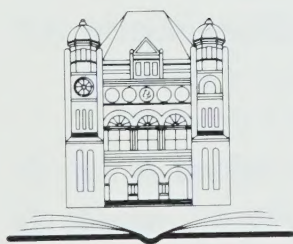


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# *"Whose Servant I Am"*

**Speakers of the  
Assemblies of the Provinces of  
Upper Canada, Canada and Ontario, 1792-1992**

**Clare A. Dale**



Toronto  
Ontario Legislative Library  
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## Foreword

This reference work features biographical sketches and portraits of the Speakers of the Assemblies of the Province of Upper Canada (1792-1841), the Province of Canada (1841-1867) and the Province of Ontario (1867-1992). During the past two hundred years, 52 persons have served in the important post of Speaker, 12 of them during the period of Upper Canada, eight during the period of the united Canada (including Sir Allan Napier MacNab who also had served during the earlier period), and 33 after Confederation in 1867 when the present Province of Ontario was created.

The office of the Speaker dates back to 1377, when the first Speaker of the British Parliament was appointed. However, it was several centuries before the Speaker attained the position of independence which the occupant of the office holds today. In the early days, the principal function of the Speaker was to act as the spokesperson of the House of Commons and to communicate its resolutions to the King. In the era of monarchical government, this sometimes proved to be a dangerous responsibility -- at least nine Speakers are known to have died violently at the hands of their political enemies.

By Tudor times in the 16th century, however, the Speaker had become a royal instrument responsible for the management of the Crown's business in the House. He frequently held high office under the Crown in addition to the Speakership. It has been argued that the practice of the British House of Commons and many other parliaments (including the Ontario Legislature), whereby the Speaker leaves the Chair when the House resolves itself into Committee of the Whole, dates back to this period. Then as now, the Commons enjoyed greater freedom of debate when the Speaker was not in the Chair and in a position to manipulate procedure on the Crown's behalf.

The independence of the Speaker first emerged as a fundamental principle of the office during the struggle for power between the Commons and the Crown under Charles I. It was Charles' armed entry into the House in 1642, demanding the surrender of five MPs on treason charges, that provoked Speaker William Lenthall's famous defence of his office. Falling to his knees before his King, Lenthall declared his refusal to give up the Members in these words: "May it please your Majesty, I have neither eyes to see, nor tongue to speak in this place, but as the House is pleased to direct me, *whose servant I am* here, and I humbly beg your Majesty's pardon that I cannot



give any other answer than this to what Your Majesty is pleased to demand of me." The Members fled and the King was forced to leave empty handed.

After this epic occasion, attempts by the Crown to interfere with the appointment and conduct of the Speaker rarely met with success. For example, when, in 1679, Charles II refused to approve the Commons' selection of Sir Edward Seymour as Speaker, he failed to secure the election of his own candidate and was compelled to compromise with the House on a third choice.

By the 18th century, the threat to the Speaker's independence no longer came from the Crown, but from party government. The office became a prize to be bestowed on one of its supporters by the government controlling a majority of parliamentary seats. It was often combined with ministerial office. The independence of the Speakership took a giant step forward with the election of Speaker Arthur Onslow to the Chair in 1728. The greatest Speaker of the 18th century, Onslow resigned from the office of Treasurer of the Navy, which was regarded as a perquisite of the Speakership, when he acceded to the Chair. During his 33 years as Speaker he set standards of impartiality and independence which were not achieved again for a century. It was not until 1841, when the Liberal Speaker Charles Shaw-Lefèvre was re-elected to the Chair by a House controlled by the Conservatives, that the nonpartisanship of the office was decisively established in the British House of Commons.

Representative legislatures were established by the British and took root in their North American colonies during the 18th century, before Westminster had agreed that a nonpartisan Speaker was a settled principle of parliamentary government. As the introduction indicates, the office of the Speaker in the provinces of Upper Canada, Canada and Ontario has been engaged in its own evolution towards independence and nonpartisanship; in fact, changes were made to the office as recently as 1989.

This book is one of several publications issued by the Legislative Library to mark the 200th anniversary of the first session of the first Parliament of Upper Canada which took place at Newark (now Niagara-on-the-Lake) on 17 September 1792.

I would like to express appreciation to Colonel Jean Doré, Gentleman Usher of the Black Rod of the Senate of Canada, and to the Honourable John Fraser, Speaker of the House of Commons of Canada, for permission to



reproduce copies of pre-Confederation portraits in their possession, and to the National Archives of Canada for making available colour transparencies of these portraits. I also appreciate the co-operation of Fern Bayer, Chief Curator of the Ontario Government Art Collection, for making available colour transparencies of post-Confederation Speakers.

I would also like to acknowledge the work of the author, Clare Dale, a former student employee of the Legislative Research Service of the Legislative Library and now a doctoral candidate in history at the University of Toronto, whose dedication and diligent research have made possible this collection of biographies. Her book will be of special interest to historians, politicians, political scientists and others interested in learning more about an important part of our parliamentary heritage.

R.B. Land  
Executive Director  
Ontario Legislative Library



## **Introduction**

The history of the Speakership in Ontario owes much of its ideological and procedural heritage to its ancient British precursor. The earliest years of the Speakership -- those of the Upper Canadian period of 1792-1841 -- coincide with the years in which the British Speakership made great strides towards independence and nonpartisanship. However, subtle differences evolved between the election of Speakers in Westminster and in Upper Canada. In the British House of Commons, election to the Speakership was a formality of procedure, with agreement upon the proposed candidate made between the government and the opposition parties prior to the vote in the Commons. In the colony, however, the election of the Speaker sometimes occasioned heated debates and the need to propose several candidates before one attained a simple majority.

The union of the Canadas in 1840 ushered in a new era in provincial politics which directly affected the Speaker. Political divisions were becoming more apparent during this period and partisan groups sought to influence the choice of Speaker. This same era, however, also witnessed events that would clearly distinguish the colonial Speakership from its British counterpart. Between the opening of the first Assembly of the Province of Canada in 1841 and Confederation in 1867, the Assembly alternated between Speakers of English and French Canadian origin. Although this practice reflected the regional and cultural diversity of the Union of Upper and Lower Canada, it was motivated by political expediency rather than social harmony. Indeed, the election of the first Francophone speaker, Austin Cuvillier, to the Chair in 1841 angered many Anglophone Members of the Assembly, who were concerned not so much with the new Speaker's anti-Union sentiments as with his origins. Language and culture thus combined with partisan issues to create a Speakership that, while rooted in the British tradition, was evolving in a distinctly Canadian manner.

From Confederation until the mid-1970s, when the reports of the Camp Commission were implemented, the Speakership did not enjoy the reputation for independence and impartiality it has come to earn. No doubt this is because Ontario experienced long periods of one party rule and the government of the day almost invariably regarded the Speakership as a gift to be bestowed on one of its supporters. However, it must be pointed out that the comparatively modest status of the Speaker reflected that of the Assembly itself. The Assembly sat for only a few months -- sometimes only a few weeks -- in a year; the volume of government business was moderate



and MPPs served on a part-time basis. In that period few MPPs objected to the status of the Speakership.

In the 1970s, the Ontario Commission on the Legislature, more commonly known as the Camp Commission, examined the nature of the Assembly and the role of the individual Member in its administrative and political functions. The Commission's second report recommended the creation of the Office of the Assembly, of which the Speaker would act as Chief Administrative Officer and be responsible for the Assembly's staff and physical environment. The Commission maintained that such a step would strengthen the Speakership which had until that time depended on the Ministry of Government Services for financial and administrative operations. On 1 April 1974 the Commission's recommendations were implemented, creating the Office of the Assembly and paving the way for an independent and impartial Speakership in Ontario.

The Ontario Legislature has retained traditions attending the office of the Speaker of its Assembly. The black robe and tricorne hat, the dais on which the Chair rests, and the procession which the Speaker leads into the Chamber to inaugurate the day's sitting all reflect the prestige, authority and parliamentary heritage of the office. Another tradition is observed in the way that the Speaker acknowledges his election. Since the first provincial parliament in 1867, most Speakers of the Ontario Legislative Assembly have recited the following speech in the presence of the Lieutenant Governor and all of the Assembly's Members:

The Legislative Assembly have elected me as their Speaker, though I am but little able to fulfil the important duties thus assigned to me.

If, in the performance of those duties, I should at any time fall into error, I pray that the fault may be imputed to me, and not to the Assembly, *whose servant I am*, and who, through me, the better to enable them to discharge their duty to their Queen and country, hereby humbly claim all their undoubted rights and privileges, especially that they may have freedom of speech in their debates,



access to your Excellency's person at all seasonable times, and that their proceedings may receive from your Excellency the most favourable consideration.

Reminiscent of the remark made by Speaker William Lenthall of Westminster in 1642, this address clearly reveals Ontario's links with the tradition of the British House of Commons.

More recent changes have also affected the Ontario Speakership. On 25 July 1989, the Standing Orders of the Assembly -- the rules governing the conduct of the Members and parliamentary procedure within the Chamber -- were amended. These new orders provided for the election of the Speaker by secret ballot and stipulated that the Speaker's rulings could no longer be appealed.

This book contains a photographic reproduction of each Speaker's portrait where such a portrait exists. For the pre-Confederation period, the vast majority were created by a French Canadian artist, Théophile Hamel (1817-1870). Appointed official portrait painter to the Province of Canada in 1853, Hamel claimed a large cross-section of society among his clientele, including prominent politicians, religious leaders and businessmen. Influenced by the style of Titian, Hamel captured both the individualism and political stature of the pre-Confederation Speakers in his colourful portraits.

After Confederation in 1867, the provincial legislature did not continue its predecessor's tradition of preserving its Speakers in portraiture. However, in the early years of the twentieth century, when the program to beautify the new Parliament Buildings at Queen's Park was reaching its zenith, Premier A.S. Hardy commissioned paintings of many of the Province's "heroes," including the men who had presided over the legislative chamber since Confederation. Since that time, many artists have lent their talents to the creation of portraits of post-Confederation Speakers. Of this select group, three artists merit specific mention. John Wycliffe Lowes Forster (1850-1938) painted the portraits of Speakers Ballantyne, Baxter, Clarke and Crawford; Amelia Margaret Mildred Peel (1856-1920) painted posthumous portraits of Speakers Currie, Balfour and Ewart; and Sir Edmund Wyly Grier (1862-1957) captured Speakers Jamieson, Thompson and Black on canvas.

Finally, many people have assisted in the production of this book and for their help I am thankful. I am grateful to Cynthia Smith, Director of the Legislative Research Service, for giving me the opportunity to undertake this interesting project. I am also indebted to Kathleen Finlay, the author of *Speakers of the Legislative Assembly of Ontario, 1867-1984*, and to the work of reference librarian Debra Forman for providing me with a solid base on which to begin research on the post-Confederation period.

I have had the good fortune to have been aided by the staffs of several libraries and archives. The staff of the Baldwin Room of the Metropolitan Toronto Reference Library and of the City of Toronto Archives at City Hall were both knowledgeable and helpful. Both Sarah Montgomery of the National Archives of Canada and George F. Henderson, Assistant Archivist (Public Service) of the Queen's University Archives in Kingston were instrumental in helping me to locate important primary material. Leon S. Wormski, Senior General Reference Archivist (Public Service Section) of the Archives of Ontario was of great assistance in sorting through the Province's innumerable collections of private and public correspondence. Professor Wallace MacLeod of Victoria College, University of Toronto, was of great help in uncovering several valuable sources. Also, the research assistance of summer students Biagio DiClemente and Ken Morrow on the post-Confederation section of this book cannot go unacknowledged. The staff of the Legislative Research Service, particularly Elaine Campbell, David Pond, Merike Himel, Edward Israel, Sarah King, Heather Klassen, Anna Tsaparis, and Linda Lazda went beyond what can be reasonably expected by a colleague in assistance with the production and editing of this manuscript. Finally, to historian Edgar-André Montigny, I owe an invaluable debt. His careful reading and constructive comments on the pre-Confederation section of the book were immensely helpful and are greatly appreciated.

Clare A. Dale  
February 1992







## **JOHN McDONELL (ABERCHALDER)**

John McDonell, the first Speaker of the Legislative Assembly of Upper Canada, was born in Scotland around 1758.<sup>1</sup> He was educated at Fochabers in the county of Elgin. In 1773, he led one of the first major migrations from Scotland to North America. This particular group of Highlanders emigrated to the Thirteen Colonies and settled on Sir William Johnson's Mohawk Valley estate.<sup>2</sup> Shortly thereafter, he began an association with the militia that would span most of his life.<sup>3</sup>

On 14 June 1775, McDonell received a commission as Ensign (or Subaltern) with the Royal Highland Emigrant Regiment.<sup>4</sup> He served with this regiment both on garrison duty in Quebec during the siege of 1775-1776 and on active duty in the Mohawk Valley throughout the remainder of the American Revolutionary War.<sup>5</sup> By April 1778, McDonell had made great strides in his military career: he had been promoted to the rank of lieutenant and was ninth in order of seniority in the regiment. Nevertheless, growing disaffection with garrison duty and a chance meeting with Walter Butler prompted him to seek permission to join Butler's recently organized corps of rangers. In August of 1778, McDonell transferred to Butler's Rangers with a captain's commission.<sup>6</sup> The Rangers had been raised to serve in conjunction with the Indian warriors fighting American revolutionaries. The young McDonell became acquainted not only with Indian languages and customs, but also with one of the most famous Native leaders of the period, Joseph Brant.<sup>7</sup> When Butler's Rangers disbanded in 1784, McDonell was allotted 3,000 acres of land in Lunenburg District and retired at half-pay.<sup>8</sup>

The details of the years between McDonell's retirement from the Rangers and his entrance into the Legislative Assembly are, at times, sketchy. But some observations can be made. As the representative for Township No. 3 in the county of Glengarry (Osnabruck, Ont.), he was a signatory to the petition of western Loyalists, dated April 1787. The document asked for aid for the Church of Scotland and the Church of England; it called for the establishment of district schools and the implementation of a system of land grants and, finally, it requested that tenure not be biased in favour of those individuals on active militia duty.<sup>9</sup> On 24 July 1788, McDonell acquired an administrative post, becoming Justice of the Peace for the Lunenburg District.<sup>10</sup> His appointment to this important office signalled the beginning of McDonell's career in public service and his acceptance into the ruling elite.<sup>11</sup> In September of the same year, he was appointed a member of a five-man council created "to examine into the loyalty and character of such

persons as may come in and apply for land in the District of Lunenburg."<sup>12</sup> The creation of a Land Lot Board for the Lunenburg District followed in 1789. McDonell was appointed to this committee as well as to similar bodies that were created in the counties of Glengarry and Stormont. It is likely that he served on these boards until their abolition in 1794.<sup>13</sup>

Still, McDonell's administrative duties encompassed more than the allocation of land. In addition to his other responsibilities, he was one of the original magistrates appointed to the District Court of Quarter Sessions and, in May 1790, he took his father's place in the Court of Common Pleas for the District of Lunenburg.<sup>14</sup> The Quarter Sessions record books for 1791-1792 show that he attended sessions of this court in January and June of 1791 but was absent from those held in 1793, most likely due to the meeting of the Assembly at Newark.<sup>15</sup>

During the years before his election to the Assembly, McDonell made great strides on the political front. His aforementioned appointments to county and district administrative bodies were indications of his prominence among the Scottish community of Upper Canada. His political influence extended beyond the arena of district politics, however, and in March of 1790 Lord Dorchester nominated him for membership in the Executive Council. McDonell was not appointed to the Executive Council at the time, as membership was eventually limited to only five members.<sup>16</sup> Nevertheless, he still played an important role in the early political life of Upper Canada. In 1792, he was elected as a representative for the county of Glengarry, apparently without opposition.<sup>17</sup> His brother Hugh was elected as the second member for Glengarry. It has been noted that the McDonells were typical of the men elected to the first Assembly: eight out of the 17 men elected were retired, half-pay Loyalist militia officers of Scottish ancestry.<sup>18</sup>

When the new Assembly met at Newark in 1792, McDonell was unanimously elected its Speaker.<sup>19</sup> He took the Chair on 17 September and held the office until the dissolution of the Assembly in 1796. The Journals for the years 1795 and 1796 are not known to be extant. Nevertheless, it is possible to make some observations about McDonell's tenure as Speaker. The business of the first parliament of Upper Canada largely concerned the establishment or inauguration of various legal, social and economic institutions within the province. For example, several of the bills which came before the House dealt with the question of raising provincial revenues.<sup>20</sup> Thus, legislation which provided for the levying of duties on imported liquors, retailers of liquor, and goods sold at public auction were



all discussed during this first parliament.<sup>21</sup> In addition, a bill to establish trial by jury was passed during the first session.<sup>22</sup> During the Assembly's second session, the question of establishing a political and commercial relationship with Lower Canada was addressed, but not resolved.<sup>23</sup> Furthermore, a bill "to prevent the further introduction of Slaves, and to limit the term of contracts for Servitude within this Province" was introduced. This issue, however, was not resolved until 1800.<sup>24</sup> When the question of slaves was finally put to the House during the following parliament, McDonell voted against a bill that allowed persons emigrating to the province to bring their slaves.

Also during his term in the Chair, Speaker McDonell presided over debates concerning an issue that would have been familiar to him: the House discussed a bill granting the recently-appointed County Lieutenants total responsibility for their respective militias.<sup>25</sup> McDonell had himself been among those appointed to a Lieutenancy, his being for the county of Glengarry. He held this position until its abolition some years later.<sup>26</sup> It has been suggested that Lieutenant-Governor Simcoe developed the concept of the Lieutenancy in order to provide the province with its own 'aristocracy.' In reality, a Lieutenancy was a purely military office related "merely to the enlisting, completing and assembling of the militia."<sup>27</sup> The threat of war with France and the passage of the Militia Bill only served to reinforce the authority of the County Lieutenants such as Speaker McDonell.

McDonell's involvement with the provincial militia was not limited to his execution of the post of County Lieutenant. He was also given command of the Second Battalion of the Royal Canadian Volunteers in 1794. With this command came a promotion to the rank of major.<sup>28</sup> Two years later, McDonell was involved in the formation of the first corps raised in Upper Canada, the Royal Canadian Volunteer Regiment of Foot. He commanded its Second Battalion.<sup>29</sup>

John McDonell was re-elected to the second parliament of Upper Canada in 1796; he was one of only two members to sit in both the first and second Assemblies.<sup>30</sup> It seems, however, that his attendance during the second parliament was sporadic. Yet here McDonell had plenty of company. The Journals of the Assembly for this period show that several members regularly failed to attend the sessions. Indeed, this absenteeism resulted in the frequent adjournment of the House due to a lack of a quorum. In order to remedy the problem, a motion was carried instructing letters to be written requesting the attendance of absentee members. McDonell was one of the six members

who failed to respond to this written request.<sup>31</sup> It is likely that his involvement with the provincial militia kept him from attending most of the sessions of the second parliament as he was on garrison duty at Fort George during this period.<sup>32</sup> Nevertheless, he was present in the House on a small number of occasions and did participate in the debate on the slavery question. He was one of the eight members to vote against the passage of the legislation.<sup>33</sup>

McDonell did not return to the Legislative Assembly in 1801, having decided instead to accept command of the Royal Canadian Volunteer Regiment garrisoned at Fort George.<sup>34</sup> In 1802, failing health and declining wealth forced McDonell to retire to his residence at Stone-House Point. Over the next five years, his involvement with both politics and the militia declined and it appears that his appointment in 1807 to the post of paymaster of the Tenth Royal Veteran Battalion was made solely on the grounds of financial need.<sup>35</sup> John McDonell, one of the last military politicians of Upper Canada and the first Speaker of the Legislative Assembly, died 21 November 1809 in Quebec City while on garrison duty.

## Notes

<sup>1</sup>John Graham Harkness, *Stormont, Dundas and Glengarry: A History, 1784-1945* (Ottawa: Mutual Press Ltd., 1946), p. 66; J. K. Johnson, *Becoming Prominent: Regional Leadership in Upper Canada, 1791-1841* (Montreal: McGill-Queen's University Press, 1989), p. 209; and "John McDonell (Aberchalder)," *Dictionary of Canadian Biography*, vol. 5 (Toronto: University of Toronto Press, 1983), p. 517.

<sup>2</sup>Earle Thomas, *Sir John Johnson: Loyalist Baronet* (Toronto: Dundurn Press, 1986), pp. 50, 63; and *Dictionary of Canadian Biography*, vol. 5, p. 517.

<sup>3</sup>C. C. James, "The First Legislators of Upper Canada," *Transactions of the Royal Historical Society of Canada*, 2nd Series, vol. VIII (1902-1903): 100.

<sup>4</sup>Harkness, *Stormont, Dundas and Glengarry*, p. 66.



<sup>5</sup>E.A. Cruikshank, "A Memoir of Lieutenant-Colonel John Macdonell, of Glengarry House, the First Speaker of the Legislative Assembly of Upper Canada," *Ontario Historical Society Papers*, vol. XXII (1925): 25-26; and J. A. Macdonell, *Sketches Illustrating the Early Settlement and History of Glengarry in Canada* (Montreal: Wm. Foster, Brown and Co., 1893), p. 83.

<sup>6</sup>E. A. Cruikshank, *Butler's Rangers: The Revolutionary Period* (Welland, Ont.: Tribune Printing House for the Lundy's Lane Historical Society, 1893), pp. 52-53; James, "The First Legislators of Upper Canada," p. 100; Johnson, *Becoming Prominent*, p. 209; and Harkness, *Stormont, Dundas and Glengarry*, p. 66.

<sup>7</sup>See: Cruikshank, "A Memoir," pp. 27-37.

<sup>8</sup>Harkness, *Stormont, Dundas and Glengarry*, p. 66.

<sup>9</sup>Cruikshank, "A Memoir," pp. 39-40; and *Dictionary of Canadian Biography*, vol. 5, p. 517.

<sup>10</sup>Johnson, *Becoming Prominent*, p. 209.

<sup>11</sup>In his book, *Patrons, Clients, Brokers: Ontario Society and Politics*, S. R. J. Noel notes that "Justices of the Peace were not simply local judicial officers but also [were] agents of the central government who exercised an important administrative and supervisory role in the community."

See: S. R. J. Noel, *Patrons, Clients, Brokers: Ontario Society and Politics, 1791-1896* (Toronto: University of Toronto Press, 1990), p. 49; and Johnson, *Becoming Prominent*, pp. 61, 66.

<sup>12</sup>Macdonell, *Sketches*, p. 161.

<sup>13</sup>Cruikshank, "A Memoir," pp. 40-41.

<sup>14</sup>Macdonell, *Sketches*, pp. 74-75; Johnson, *Becoming Prominent*, p. 209; and *Dictionary of Canadian Biography*, vol. 5, p. 518.

<sup>15</sup>Macdonell, *Sketches*, p. 75; and Cruikshank, "A Memoir," p. 40.

<sup>16</sup>Lord Dorchester to W. W. Grenville, letter, 15 March 1790 as quoted in Cruikshank, "A Memoir," p. 42.

<sup>17</sup>Ibid., p. 43.

<sup>18</sup>Johnson, *Becoming Prominent*, p. 124.

<sup>19</sup>Upper Canada, House of Assembly, "Journals of the House of Assembly," 1st Session, 1st Parliament, in *Sixth Report of the Bureau of Archives for the Province of Ontario*, ed. Alexander Fraser (Toronto: L. K. Cameron, 1911), p. 1; and Macdonell, *Sketches*, p. 89.

<sup>20</sup>Upper Canada, House of Assembly, "Journals of the House of Assembly," 1st Session, 1st Parliament, pp. 8-9; idem, "Journals of the House of Assembly," 2nd Session, 1st Parliament, in *Sixth Report of the Bureau of Archives*, p. 23; and idem, "Journals of the House of Assembly," 3rd Session, 1st Parliament, in *ibid.*, pp. 48-49.

<sup>21</sup>Upper Canada, House of Assembly, "Journals of the House of Assembly," 1st Session, 1st Parliament, in *Sixth Report of the Bureau of Archives*, pp. 10, 11, 13, 15.

<sup>22</sup>Ibid., pp. 5, 6, 7, 8, 14, 17.

<sup>23</sup>Idem, "Journals of the House of Assembly," 2nd Session, 1st Parliament, in *Sixth Report of the Bureau of Archives*, pp. 30, 32, 38.

<sup>24</sup>Ibid., pp. 33, 35, 38; and Cruikshank, "A Memoir," p. 43.

<sup>25</sup>Ibid., pp. 23-24, 30, 35, 39. See also: J. G. Simcoe to Alexander McKee, letter, 1 November 1792, in *The Correspondence of Lieutenant-Governor John Graves Simcoe*, vol. V: 1792-1796 (Supplementary), ed. E. A. Cruikshank (Toronto: The Ontario Historical Society, 1931), pp. 23-24; and Gerald Craig, *Upper Canada: The Formative Years, 1784-1841*, Canadian Centenary Series (Toronto: McClelland and Stewart, 1963), p. 29.

<sup>26</sup>D. B. Read, *The Lieutenant-Governors of Upper Canada and Ontario, 1792-1899* (Toronto: William Briggs, 1900), pp. 52-53; Harkness, *Stormont, Dundas and Glengarry*, pp. 69-70; and Johnson, *Becoming Prominent*, p. 209.



<sup>27</sup>Macdonell, *Sketches*, p. 98.

<sup>28</sup>Lord Simcoe to Lord Dorchester, letter, 30 June 1794, as quoted in Cruikshank, "A Memoir," p. 44; and Macdonell, *Sketches*, pp. 91-92.

<sup>29</sup>Cruikshank, "A Memoir," p. 46; and Macdonell, *Sketches*, p. 91.

<sup>30</sup>The other member to sit in both Assemblies was David William Smith, who became Speaker in 1797 and 1801. See: C. C. James, "The First Legislators of Upper Canada," p. 117; and idem, "The Second Legislature of Upper Canada, 1796-1800," *Transactions of the Royal Historical Society of Canada*, 2nd Series, vol. 9 (1903-1904).

<sup>31</sup>Cruikshank, "A Memoir," p. 47.

<sup>32</sup>Macdonell, *Sketches*, p. 92.

<sup>33</sup>*Ibid.*, p. 90.

<sup>34</sup>*Ibid.*, p. 92.

<sup>35</sup>Harkness, *Stormont, Dundas and Glengarry*, pp. 66-67.

*David William Smith*



**David William Smith**  
**1797-1800; 1801-1802**  
*Portrait by unknown artist*



## DAVID WILLIAM SMITH

The man who would become the first Surveyor General of Upper Canada and Speaker of the second and third parliaments was born in Salisbury, England on 4 September 1764. David William Smith was the only child of Lieutenant-Colonel John Smith, a senior officer in the Fifth Regiment of Foot. His early years reflected this military milieu; Smith received his education at the hands of regimental tutors and in 1779 was commissioned as an ensign in this same unit. One year later, he was appointed to the position of acting regimental paymaster. In 1790, both father and son were posted to Fort Detroit, the older Smith as garrison commander and the younger as fort adjutant. Two years later, the regiment was transferred to Fort Niagara, again with the elder Smith as commandant. During the next three years the younger Smith held various administrative posts, including those of deputy Quarter-Master General and Secretary to the Commandant.<sup>1</sup>

Other, non-military matters also demanded Smith's attention during the early 1790s. At this time Smith undertook the study of law and articulated with a fellow Member of the Legislature, Attorney General John White in 1793. He was called to the Bar on 7 July 1794; accordingly, his name is included in the first list of licensed attorneys published in Upper Canada.<sup>2</sup> Smith was also involved with local administrative matters that would ultimately shape the course of his political career. Since 1790, the young military officer had served as secretary to the Land Board of Hesse of which his father, as commanding officer at Detroit, was Chairman.<sup>3</sup> More important, however, was Smith's foray into politics.

In 1792, he was elected to the first parliament of Upper Canada as the member for Suffolk and Essex, largely on the strength of his service to the Hesse Land Board.<sup>4</sup> There has been some question as to the riding in which Smith initially campaigned. It has been suggested that he first sought election in the county of Essex, was defeated there and, several days later, ran a more successful bid for one of the two Kent County seats.<sup>5</sup> Such an action was possible during the late eighteenth century as elections in Upper Canada lasted, on average, for a period of six to eight days. Theoretically, it was possible for a candidate to lose in one county only to mount a new campaign and to be elected in another riding some days later.<sup>6</sup> A comment contained in a letter written to John Askin during the course of the 1792 election supports this theory. In it Smith states that "if . . . there is any difficulty in bringing me in for Essex, and one of the Kent seats goes begging, I should be flattered to be returned for that county."<sup>7</sup> The book of

accounts kept for this period by the Sheriff of Essex County details Smith's expenses for the 1792 election, thus verifying that he was, at least, a candidate in this riding. His election to the seat can be established through the use of other election statements of account, including that of the Returning Officer, and private correspondence.<sup>8</sup>

The unfortunate lack of Legislative Journals for the years 1795 and 1796 does not allow for a comprehensive evaluation of Smith's participation in the business of the first Assembly. However, it can be stated that he did take an active role in the daily business of the House during its first sessions. For example, in 1792 he was made a member of a committee charged with the responsibility of devising ways to raise needed tax revenues. Smith devised a method based on the application of a landowner tax which would have seen a system of fixed payments per acre implemented. This suggestion was put forward but was defeated in the House.<sup>9</sup> Furthermore, during the 1793 session he was assigned to a committee which was instructed to "bring in speedily Bills for laying a duty of Excise on the distilled liquors brought into this province, and on Wines."<sup>10</sup> Almost a year later, on 3 June 1794, he successfully moved a motion in favour of a bill to regulate "the practice of Physic" in the Province.<sup>11</sup>

During the course of the first parliament, the Member for Suffolk and Essex's politics often reflected an awareness of Upper Canada's dependence upon Great Britain. Smith often stressed that the importance of this bond should neither be overlooked nor forgotten. In a letter dated 2 October 1792, he stated that due to this dependency "modesty should be the characteristic of our first assembly."<sup>12</sup> Indeed, it seems that he did not feel that the interests of Upper Canadians and those of the Colonial Office in London were in any way conflicting and stated:

I do not feel it at all incompatible to discharge my duty to my constituents; and at the same time have regard to the general Interests of the Unity of the Empire.<sup>13</sup>

Smith's political career reflected this sense of dual responsibility. Not only did he attempt to defend the interests of his electorate but he also did not shy from accepting important political offices. For example, on 2 March 1796, he was made a member extraordinary of the Legislative Council. Several years earlier, he had taken on the role of Surveyor General of Upper Canada.<sup>14</sup>



Shortly after his election to the House in 1792, Lieutenant-Governor Simcoe informed Smith that he was to be nominated for the position of Surveyor General of Upper Canada.<sup>15</sup> Until that time, this function had been carried out by the Surveyor General of Quebec. With the creation of the province of Upper Canada in 1791, Simcoe established a separate office in anticipation of rapid growth and settlement.<sup>16</sup> Smith's appointment was conditional upon approval from the Colonial Office in London. In 1792 London agreed to his appointment as acting Surveyor General and he remained as such, without a government salary, until Lieutenant-Governor Peter Hunter recommended the appointment be made permanent in 1799.<sup>17</sup> In this capacity, Smith used the expertise acquired during his tenure with the Hesse Land Board to oversee several functions. One of these was supervising preparation and filing of surveys used by government officials in order to allot individual parcels of land, to designate larger geographical units such as townships or districts and to allocate of clergy reserves. In fact, it was Smith who devised the 'checkered plan' that was used for this latter purpose in 1793.<sup>18</sup>

In 1793, on the request of Simcoe, Smith undertook the production of the first extensive gazetteer of Upper Canada. *A Short Topographical Description of His Majesty's Province of Upper Canada in North America* contained the following: a detailed description of prevalent geographic features of the province; information about the social aspects of districts, towns and townships throughout Upper Canada; extensive maps, geographic tables and charts; and short statements on the nature of government in Upper Canada -- a topic with which Smith was well acquainted.<sup>19</sup>

The years between his election to the first Assembly in 1792 and his re-election to the House in 1796 were busy ones for Smith. His duties in the House and as Surveyor General demanded his attention and, like other members of the Assembly, he maintained close ties with the provincial militia. Indeed, during this period he continued to receive and to accept military commissions. For example, in 1794 he was accorded the rank of major in the Provincial Horse Artillery. One year later, he was promoted to the rank of captain in the Fifth Regiment of Foot and served in this capacity until after 1796. Furthermore, in 1797 he was commissioned as a colonel in the Lincoln Militia and in June 1798 he was made a colonel in the Second Battalion of the York Militia. In fact, Smith did not resign the majority of his military commissions until his civil appointment was confirmed in 1799.<sup>20</sup>

Smith was returned to the House in 1796, this time as the representative for Lincoln's second riding. His re-election was not without significance: he was one of only two men who could lay claim to having been members of both the first and second parliaments and he was the only non-Loyalist member returned at this time.<sup>21</sup> In addition to these distinctions, he was elected to the Office of Speaker sometime after the Assembly convened at York, likely due to the absence of the previous Speaker, John McDonell.<sup>22</sup> As no Journals exist for this period in the Legislature's history, the date that Smith himself gives as his appointment to the position -- 7 June 1797 -- must be taken as accurate.<sup>23</sup> He held the Speaker's chair for three of the four sessions of this parliament.

During his tenure as Speaker, the House addressed several issues pertinent to the political, legal and social development of the province. For example, Smith presided over an Assembly which considered and passed bills pertaining to the issues of slavery, clergy reserves, establishment of a Superior Court of Civil and Criminal jurisdictions and judicial reform.<sup>24</sup> During the 1799 session, Speaker Smith was forced to break a deadlock on an important point of procedure. On 20 June, Robert Grey (then the Solicitor-General) moved for the creation of a standing rule of the House by which

no Member shall be compelled to serve on a Committee for carrying up to the Legislative Council any Bill for their concurrence, or for returning any Bill . . . who shall be opposed to the principles of such Bill, and shall have signified his dissent or disapprobation at any stage of the progress thereof through the House.<sup>25</sup>

The House divided equally on the vote, with five members in favour of the motion and five against. Speaker Smith voted in favour of the motion thus allowing it to become a standing rule of the House.<sup>26</sup>

Late in the 1799 session, Smith begged leave of the House to attend to personal business in England.<sup>27</sup> At this time, he also requested that a committee be formed to examine and to report on the state of the Surveyor-General's office. This was done and the committee's report was favourable: the office was found to be in "satisfactory condition."<sup>28</sup> Smith



did not return to Upper Canada in time to discharge his duties as Speaker for the fourth session; as a result, Richard Beasley was elected to the Chair.<sup>29</sup>

While Speaker, Smith also held other civil offices. On 7 January 1797, the Speaker of the Assembly was made a judge of the Court of Requests; seven months later (12 August 1797), he was given the rather vague title of "commissioner for Examining Public offices."<sup>30</sup> On 10 October of the same year, Smith was appointed as one of three trustees charged with the regulation and monitoring of the sale of lands held by the Six Nations Indians.<sup>31</sup> In 1798, he and other prominent members of Upper Canadian society were appointed County Lieutenants. Smith received the Lieutenancy of the county of York. He held this office until 1804.<sup>32</sup> In addition to accepting these positions, he also found the time to pen a rather caustic critique of La Rochefoucauld's *Travels through the United States of North America, the Country of the Iroquois, and Upper Canada*. This rebuttal can be found appended to La Rochefoucauld's journal in many editions. Although the authorship of this piece is accredited only to "An Anglo-Canadian," historians agree that it is, in fact, Smith's work.<sup>33</sup>

In 1801, the Surveyor General was re-elected to the House and the office of Speaker.<sup>34</sup> Although his second term in the Chair was shorter than his first, Smith still presided over many important debates. Topics discussed included judicial reform, regulation of jury service and the provincial militia.<sup>35</sup> In addition, the House adopted several new rules of procedure during his Speakership.<sup>36</sup> However, Smith did not hold the Chair for all four sessions of the third parliament. In 1802 he once again requested a leave of absence and left for England on personal business.

Smith did not return to Upper Canada from this second trip to England. Although he did not officially give up his seat in the House, he did resign from his position of Surveyor General. This was done in 1804 -- almost two years after his departure from North America. Simcoe reluctantly accepted the resignation. In a letter to Smith he states that he is "exceedingly surprised and hurt" to learn of the Surveyor General's intentions and suggests that he may have kept the office to his "dying day."<sup>37</sup> Smith declined Simcoe's offer and chose to stay in England as the estates manager for the Duke of Northumberland. Despite having amassed more than 20,000 acres of prime land in Upper Canada, one third in the Pickering area,<sup>38</sup> he settled permanently near Alwick in England and was made a baronet in 1821. He died 16 years later at the age of 67.

## Notes

<sup>1</sup>J. K. Johnson, *Becoming Prominent: Regional Leadership in Upper Canada, 1791-1841* (Montreal: McGill-Queen's University Press, 1989), pp. 226-227; C. C. James, "The First Legislators of Upper Canada," *Transactions of the Royal Historical Society of Canada*, 2nd Series, vol. VIII (1902-1903): 115-116; and *Guide to the Manuscript Collection in the Toronto Public Libraries* (Toronto: Thorn Press, 1954), p. 84.

<sup>2</sup>James, "The First Legislators of Upper Canada," pp. 115-116; and "David William Smith," *Dictionary of Canadian Biography*, vol. 7 (Toronto: University of Toronto Press, 1988), p. 812.

<sup>3</sup>In 1788, Upper Canada had been divided into four local administrative units called districts: Luneburg, Mechleberg, Nassau and Hesse. As the population of Upper Canada increased, these four original districts were subdivided; by 1841 they had been divided into 20 such units. In every district, various committees and boards were maintained to aid in administration. As the office of the Surveyor General for Upper Canada was not created until 1792, one of these boards -- the Land Board -- concerned itself with the surveying and allotment of lands to settlers, primarily in the form of grants to ex-militia personnel. [See: Frederick H. Armstrong, *Handbook of Upper Canadian Chronology and Territorial Legislation* (London, Ont.: Lawson Memorial Library, University of Western Ontario, 1967), pp. 148-150.]

For further information on land boards and policies see also: G. C. Patterson, "Land Settlement in Upper Canada, 1783-1840," *Sixteenth Report of the Archives of the Province of Ontario* 52 (1920): and Lillian F. Gates, *Land Policies of Upper Canada* (Toronto: University of Toronto Press, 1968).

<sup>4</sup>James, "The First Legislators of Upper Canada," p. 115; and Patterson, "Land Settlement in Upper Canada," p. 41.

<sup>5</sup>C. C. James, "David William Smith: A Supplementary Note to the Upper Canada Election of 1792," *Proceedings and Transactions of the Royal Society of Canada*, 3rd Series, vol. VII (1913): 57.



<sup>6</sup>Ibid., pp. 65-66.

<sup>7</sup>David William Smith (DWS) to John Askin, letter, 6 August 1792, as quoted in Ibid., p. 60.

<sup>8</sup>Ibid., pp. 62-64.

<sup>9</sup>Gates, *Land Policies of Upper Canada*, p. 142.

<sup>10</sup>Upper Canada, House of Assembly, "Journals of the House of Assembly," 2nd Session, 1st Parliament, in *Sixth Report of the Bureau of Archives for the Province of Ontario*, ed. Alexander Fraser (Toronto: L. K. Cameron, 1911), p. 37.

<sup>11</sup>Ibid., p. 48.

<sup>12</sup>DWS to John Askin, letter, 2 October 1792, David William Smith Papers, Manuscript Collection, Baldwin Room, Metropolitan Toronto Reference Library (MTRL).

<sup>13</sup> Ibid.

<sup>14</sup>Johnson, *Becoming Prominent*, p. 227; James, "The First Legislators of Upper Canada," pp. 115-116; and *Guide to the Manuscript Collection*, p. 85.

<sup>15</sup>See: E. B. Littlehales, Clerk of the Executive Council, to DWS, letter, 24 September 1792, David William Smith Papers, Manuscript Collection, Baldwin Room, MTRL.

<sup>16</sup>Armstrong, *Handbook of Upper Canadian Chronology*, p. 25.

<sup>17</sup>Patterson, "Land Settlement in Upper Canada," p. 88.

<sup>18</sup>Ibid., pp. 46, 71. For further information regarding Smith's role in the formation of clergy reserves, see: Alan Wilson, *The Clergy Reserves of Upper Canada: A Canadian Mortmain*, Canadian Studies in History and Government Series (Toronto: University of Toronto Press, 1968), pp. 19-31, 32-35, 137-138, 141-142.

<sup>19</sup>David William Smith, *A Short Topographical Description of His Majesty's Province of Upper Canada in North America* (London: W. Fadden, 1799; reprint; London: S. R. Publishers Ltd., 1969), pp. 1-47, 160-164 and postscript.

<sup>20</sup>Johnson, *Becoming Prominent*, p. 227; *Guide to the Manuscript Collection*, p. 85; and James, "The First Legislators of Upper Canada," p. 116.

<sup>21</sup>Johnson, *Becoming Prominent*, p. 124; and James, "The First Legislators of Upper Canada," p. 117.

<sup>22</sup>C. C. James, "The Second Legislature of Upper Canada, 1796-1800," *Transactions of the Royal Society of Canada*, 2nd Series, vol. IX (1903-1904): 158.

<sup>23</sup>James, "The First Legislators of Upper Canada," p. 116.

<sup>24</sup>Upper Canada, House of Assembly, "Journals of the House of Assembly," 2nd Session, 2nd Parliament, in *Sixth Report of the Bureau of Archives*, pp. 69, 72, 86, 101; and idem, "Journals of the House of Assembly," 3rd Session, 2nd Parliament, in *ibid.*, pp. 106, 116.

<sup>25</sup>Idem, "Journals of the House of Assembly," 3rd Session, 2nd Parliament, in *Sixth Report of the Bureau of Archives*, p. 109.

<sup>26</sup>*Ibid.*

<sup>27</sup>*Ibid.*, pp. 120-121.

<sup>28</sup>Patterson, "Land Settlement in Upper Canada," p. 85.

<sup>29</sup>Upper Canada, House of Assembly, "Journals of the House of Assembly," 4th Session, 2nd Parliament, in *Sixth Report of the Bureau of Archives*, pp. 127-128; and James, "The Second Legislature of Upper Canada," p. 158.

<sup>30</sup>James, "The First Legislators of Upper Canada," p. 116.

<sup>31</sup>Patterson, "Land Settlement in Upper Canada," p. 225; and *Guide to the Manuscript Collection*, p. 85.



<sup>32</sup>D. B. Read, *The Lieutenant-Governors of Upper Canada and Ontario, 1792-1899* (Toronto: William Briggs, 1900), p. 53; and *Guide to the Manuscript Collection*, p. 85.

<sup>33</sup>See: La Rochefoucauld, *Travels through the United States of North America, the Country of the Iroquois, and Upper Canada*, vol. 2 (London: n.p., 1799), pp. 121-134.

<sup>34</sup>Upper Canada, House of Assembly, "Journals of the House of Assembly," 1st Session, 3rd Parliament, in *Sixth Report of the Bureau of Archives*, p. 176.

<sup>35</sup>*Ibid.*, pp. 200, 220, 230, 260.

<sup>36</sup>*Idem*, "Journals of the House of Assembly," 2nd Session, 3rd Parliament, in *Sixth Report of the Bureau of Archives*, pp. 285-287.

<sup>37</sup>John Graves Simcoe to DWS, letter, 14 August 1804, David William Smith Papers.

<sup>38</sup>See: "Estates in Canada," Package B15, David William Smith Papers, MTRL; and Mary Kearns Trace, *The Upper Canada Gazette (and American Oracle): Index to Personal Names, 1793-1798* (Calgary: Traces Publishing, 1988), pp. 78-79.

## SAMUEL STREET

Samuel Street was born on 2 January 1753 in Wilton, Connecticut, then one of the Thirteen Colonies. He emigrated to Canada in 1778 as a United Empire Loyalist and settled near Fort Niagara.<sup>1</sup> Before emigrating, Street had been involved in trade along the Connecticut frontier and, took up this vocation upon his arrival in Upper Canada. Throughout the Revolutionary War he operated as a merchant, supplying both the local military garrison and the Indian allies with provisions. Unfortunately, due to his inability to cultivate a continuing and thus profitable relationship with the garrison at Niagara, Street's role as supplier lasted only as long as the war itself.<sup>2</sup>

As a result, in the early 1780s Street concentrated his attentions on trade in and around the Niagara area, his primary customers being the local natives and the local Indian Department, a branch of the Colonial government's Office of Indian Affairs.<sup>3</sup> Perhaps due to his desire to facilitate a trading agreement with this branch of the government, Street formed a partnership with Andrew Butler, the son of Indian Department official John Butler, in 1785. By 1786 Street and the younger Butler had opened a trading post near the garrison. The partnership later diversified and, in 1789, built a sawmill at Fifteen Mile Creek. The mill was sold to Andrew's father just two years later.<sup>4</sup> The elder Butler's patronage also proved to be advantageous on a different level: it was John Butler who, in 1787, recommended Street for his first civil appointment. It was because of this recommendation that Street was named a Justice of the Peace for the Nassau District in 1788.<sup>5</sup>

Some years after Street's appointment, however, his relationship with Butler came under close scrutiny in the House. Members alleged of corruption and abuse of position in the operation of the trading post operated by Street and the younger Butler. It was claimed that the merchandise sold at the trading post was, in fact, goods intended for use in the government's annual distribution of gifts to the Indians. Furthermore, it was alleged that the elder Butler had procured these goods from the Indian Department's storehouses without the necessary permission.<sup>6</sup> In response to these developments, Lord Dorchester ordered an investigation into the situation in 1790. After receiving assurances from John Butler that these charges were false, no formal inquiry was undertaken.<sup>7</sup>

Between the end of the Revolutionary War in 1783 and his entrance into provincial politics in 1796, Street, like many other Upper Canadian businessmen, also engaged in land speculation. As too often happened,



however, his investments further increased his growing financial difficulties: s neither the land in question was valuable enough nor were the companies involved stable enough for a steady profit.<sup>8</sup> Early in 1788, he and other individuals acquainted with John Butler and the Indian Department formed the Niagara Genessee Company. The Company's goal was to encourage settlement on land in the Niagara-Genessee area which would, in time, be acquired by the company. The problem lay in the fact that the land to which the Company aspired, in theory, belonged to the Six Nations Indians. The questionable methods by which the land was to be obtained by the Company quickly came to the attention of the provincial government and, as a result, the project was quietly abandoned by many of the partners. But Street did not sell his shares in the venture until 1791<sup>9</sup> and his fortunes did not improve over the years. His partnership with Andrew Butler ended in 1793.<sup>10</sup> In 1794 he became a shareholder in another land speculation venture, the German Company, this time with American investors. Unfortunately, the Company collapsed within a year, costing Street more than \$7,000.<sup>11</sup>

Street had first attempted to gain a seat in the Legislature in 1792. At this time, he had run as a candidate in the second riding of Lincoln and had been defeated by his opponent, Benjamin Pawling, by a margin of two votes to one.<sup>12</sup> He was more successful in 1796 and was sent to the second parliament as the member for this same constituency. While it has been suggested that "there is little that is particularly noteworthy about his participation in the second parliament,"<sup>13</sup> such a statement is misleading. Although his actions during the Assembly's first sessions may not distinguish him from his more outspoken or flamboyant colleagues, it would be erroneous to dismiss summarily his contributions to this parliament. For example, during the 1798 session, he brought in a bill which provided for the more uniform laying of assessments in the province. In addition, he was active in the debates on the extension of slavery within the province. He, like the majority of members, supported the bill which forbade the practice within the boundaries of Upper Canada. The legislation was subsequently passed by a vote of eight to four.<sup>14</sup>

It must be noted that Street did attain a position of some importance during the second parliament. Due to the absence of Speaker David William Smith during the parliament's final session, a new Speaker had to be chosen. Street was elected to the Chair by a majority of two votes.<sup>15</sup> In fact, although he won election to the Legislative Assembly only twice, at some point during both of these terms he also occupied the Speaker's Chair. Indeed, Street is

the only member of the pre-Union parliaments of Upper Canada who can lay claim to such a feat.

In the course of the fourth session, Speaker Street proved to be more than an adequate replacement for the absent Smith. Although he held the Chair for little more than four weeks in this first term (5 June to 4 July 1800), he presided over several important debates. For instance, a bill to provide for more equal parliamentary representation was discussed. Furthermore, the Assembly debated the timely issues of trade with the United States as well as the introduction and implementation of English criminal law into the province.<sup>16</sup> Thus, although his initial term as Speaker was brief, it should not be undervalued. Street relinquished the Chair when the Legislature was dissolved late in the summer of 1800.

Although he had served well in the House, Street was not returned to the Assembly in the following election.<sup>17</sup> Until his re-election in 1808, he returned his attentions to the land. During his first term in the House, he had acquired substantial holdings in the Niagara-Grand River area by petitioning the government for the rights to large tracts which had been sold or given to him as repayment for debts. In addition, he had invoked claims to governmental land grants based on his Loyalist background. Through these means, Street acquired almost 10,000 acres of land in total, almost a third of which was in Willoughby.<sup>18</sup> By 1800, perhaps due to his less than successful history in land speculation, he turned his hand to making a profit by using rather than selling the land. For example, some 500 acres in Thorold were put to use as farmland. It was this parcel that became his beloved Grove Farm to which he would retire shortly before his death. The growing demand for wood and timber as building materials in Upper Canada provided Street with a second commercial avenue and he became involved in the lumber trade in order to help alleviate some monetary difficulties he experienced.<sup>19</sup>

Street did not abandon his interests in local administration and politics, and during these years he continued to sit as a Justice of the Peace. In addition to this responsibility, he became Deputy Lieutenant for the county of Lincoln in 1801, largely due to his close relationship with Robert Hamilton who had been appointed to the Lieutenancy. He held this post until 1804.<sup>20</sup> On 7 January 1807, Street added another local administrative post to his credit: on this date he became a judge of the Niagara District Court.<sup>21</sup> He attempted a return to the House in 1804, but was defeated. He was more successful in 1808 and was returned to the Assembly as the member for



Lincoln's Third Riding. Once again, he was elected to the Speakership. Due to the absence of Journals for the year 1809, however, the date of his election to the Speaker's Chair cannot be established. It can only be assumed that his election to the Office of Speaker of the fifth parliament of Upper Canada occurred on the day the House reconvened, namely 2 February 1809.<sup>22</sup>

In the course of his only full term as Speaker, Street presided over an Assembly which was preoccupied with administrative and social legislation. The extant Journals for the period show that the debate surrounding the establishment of public schools occupied a great deal of the members' time and efforts. It was an emotional and unusually bitter debate which raged throughout all recorded sessions. The House was divided on several elements of the issue and the business of the House reflects this through its recording of bills to limit, to amend and to abolish the legislation in question.<sup>23</sup> On a more constructive note, bills concerning the creation and implementation of forms of social assistance to minors and the poor of the province were passed.<sup>24</sup> During both the 1810 and 1811 sessions, salaries of many public officials -- including that of the Speaker of the House -- were scrutinized and unsuccessful attempts to decrease the amounts were made.<sup>25</sup> In addition, an act establishing a Supreme Court of Civil and Criminal Jurisdiction was passed while, not surprisingly, a bill to exclude men who held government commissions from holding a seat in the House of Assembly was defeated by a significant margin.<sup>26</sup>

Perhaps the most interesting incident of Street's later Speakership involves the controversy which surrounded the case of Robert Nichol. Shortly before the prorogation of the 1811 session, the House resolved that Nichol, a prominent businessman and a Commissioner of Highways for the London District, had misappropriated approximately £300 of public money which had been entrusted to him for the repair of roads and bridges. This resolution was largely based on the fact that while Nichol had received the money in question, he had not submitted an account of expenditures.<sup>27</sup> Nichol protested his innocence in a letter to the Lieutenant-Governor's Secretary which included a belated account of the funds. Unfortunately, the letter also contained statements suggesting that the House's actions resulted more from "malevolence and detraction" than a concern over the use of public funds.<sup>28</sup>

When the Assembly resumed in mid-February 1812, a copy of the letter was delivered and read to the House. It was resolved that Nichol was guilty of a breach of privileges of the House "by making false, malicious and

scandalous representation to the person administering the Government."<sup>29</sup> A Speaker's Warrant was issued for Nichol's arrest on this charge as well as that of contempt and, despite his contention that the Assembly had no right to commit him for these alleged offenses, he was brought before the Bar of the House. Despite an impassioned defence, Nichol was found guilty and a warrant for his commitment to the jail at York was issued.<sup>30</sup> Nichol immediately applied for a writ of *habeas corpus* and the warrant of committal was examined. In the course of the examination, the issue of the rights of the Legislative Assembly to punish private individuals for violating the privileges of the House became the centre of this growing controversy.<sup>31</sup> However, Chief Justice Thomas Scott evaded this contentious issue by finding the warrant to be defective on technical grounds. Nichol was immediately released.<sup>32</sup> This did not end the business, however. Nichol launched suit against Street. Scott, then Speaker of the Legislative Council, found himself not only embroiled in a defence of his actions but also the subject of an address sent to the Prince Regent by the Assembly.<sup>33</sup> Yet, the confrontation that was so obviously developing did not come to fruition; it was averted by the outbreak of the War of 1812.

Street relinquished the Chair upon the dissolution of the House in March of the same year. He did not return to the House but, rather, chose to serve in various administrative capacities during the Anglo-American conflict. Unlike many other members of the Assembly, Street's service in the provincial militia was limited to the years before and during the war of 1812. In fact, he did not receive his first military commission until 2 January 1809, at which time he was made a captain in the Third Regiment of the Lincoln militia. In 1813, he was made deputy paymaster for the Lincoln and Oxford county militias.<sup>34</sup> In addition, on 24 July of the same year he was appointed to administer the farms in the Niagara area which had been abandoned or forfeited during the war.<sup>35</sup>

After the war, Street was not involved in provincial politics save for his execution of his civil administrative positions. He retired to his farm in Thorold and it was there that he died on 3 February 1815.



## Notes

<sup>1</sup>Edward Marion Chadwick, ed., *Ontarian Families: Genealogies of United Empire Loyalist and other Pioneer Families of Upper Canada* (Lambertville, New Jersey: Hunterdon House, reprint, 1970), p. 175; and J. K. Johnson, *Becoming Prominent: Regional Leadership in Upper Canada, 1791-1841* (Montreal: McGill-Queen's University Press, 1989), p. 229.

<sup>2</sup>Bruce G. Wilson, *The Enterprises of Robert Hamilton: A Study of Wealth and Influence in Early Upper Canada, 1776-1812* (Ottawa: Carleton University Press, 1983), p. 25; and "Samuel Street," *Dictionary of Canadian Biography*, vol. 5 (Toronto: University of Toronto Press, 1983), p. 781.

<sup>3</sup>The primary function of the Indian Department was to serve as an administrative bureaucracy for the sale of Indian lands and, in the case of individual outposts, to act as a depot from which the annual distribution of gifts to the Indians by the government could take place. In theory, the Department was not autonomous, but was under the supervision of the Governor's Secretary. In general, ex-army or militia officers comprised the personnel of the Department and were used as liaisons between the government and the Indians. The Indian Department was one of the last Imperial responsibilities to be transferred to the provincial government; this transfer did not take place until 1860.

See: J. E. Hodgetts, *Pioneer Public Service: An Administrative History of the United Canadas, 1841-1867* (Toronto: University of Toronto Press, 1955), pp. 24, 29, 39-41, 211-219; and Frederick H. Armstrong, *Handbook of Upper Canadian Chronology and Territorial Legislation* (London, Ont.: Lawson Memorial Library, University of Western Ontario, 1967), p. 19.

<sup>4</sup>Wilson, *The Enterprises of Robert Hamilton*, pp. 25-26, 66-67.

<sup>5</sup>Johnson, *Becoming Prominent*, p. 229; and Wilson, *The Enterprises of Robert Hamilton*, p. 41.

<sup>6</sup>Hodgetts, *Pioneer Public Service*, p. 214.

<sup>7</sup>*Dictionary of Canadian Biography*, vol. 5, p. 781. See also: S. J. R. Noel, *Patrons, Clients, Brokers: Ontario Society and Politics, 1791-1896* (Toronto and Buffalo: University of Toronto Press, 1990), p. 57.

<sup>8</sup>Mary Kearns Trace, *The Upper Canada Gazette (and American Oracle): Index to Personal Names, 1793-1798* (Calgary: Traces Publishing, 1988), p. 82; Johnson, *Becoming Prominent*, p. 57; and Wilson, *The Enterprises of Robert Hamilton*, pp. 28, 98.

<sup>9</sup>*Dictionary of Canadian Biography*, vol. 5, pp. 781-782; and Wilson, *The Enterprises of Robert Hamilton*, pp. 26-27. For a general discussion of the governmental land policies and practices regarding Six Nations land, see: Lillian F. Gates, *Land Policies of Upper Canada* (Toronto: University of Toronto Press, 1968), pp. 11-14, 49-50.

<sup>10</sup>See: *Upper Canada Gazette (and American Oracle)*, 18 July to 8 August 1793, p. 4.

<sup>11</sup>Wilson, *The Enterprises of Robert Hamilton*, p. 27.

<sup>12</sup>Pawling won by a vote of 148 to 48. See: Wilson, *The Enterprises of Robert Hamilton*, pp. 105-106; and Johnson, *Becoming Prominent*, p. 229.

<sup>13</sup>*Dictionary of Canadian Biography*, vol. 5, p. 782.

<sup>14</sup>Upper Canada, House of Assembly, "Journals of the House of Assembly," 2nd Session, 2nd Parliament, in *Sixth Report of the Bureau of Archives for the Province of Ontario*, ed. Alexander Fraser (Toronto: L. K. Cameron, 1911), pp. 58, 69.

<sup>15</sup>Idem, "Journals of the House of Assembly," 4th Session, 2nd Parliament, in *Sixth Report of the Bureau of Archives*, pp. 127-128.

<sup>16</sup>*Ibid.*, pp. 136, 144, 148.

<sup>17</sup>*Dictionary of Canadian Biography*, vol. 5, p. 782; and Wilson, *The Enterprises of Robert Hamilton*, p. 153.

<sup>18</sup>Street acquired 8,700 acres through purchase and debt repayments and 1,200 through Loyalist grants. See: Mary E. Manning, *Street: The Man, the Family, the Village*, Streetsville Historical Society Publication No. 3



(Streetsville, Ont.: The Society, 1983), p. 124; and Johnson, *Becoming Prominent*, pp. 55, 229.

<sup>19</sup>Johnson, *Becoming Prominent*, pp. 47, 55.

<sup>20</sup>Wilson, *The Enterprises of Robert Hamilton*, pp. 126-127; and *Dictionary of Canadian Biography*, vol. 5, p. 782.

<sup>21</sup>Armstrong, *Handbook of Upper Canadian Chronology*, p. 181; Johnson, *Becoming Prominent*, p. 229; and Wilson, *The Enterprises of Robert Hamilton*, p. 132.

<sup>22</sup>Debra Forman, comp. and ed., *Legislators and Legislatures of Ontario*, vol. 1, 1792-1866 (Toronto: Research and Information Services, Legislative Library, 1984), pp. 31-32.

<sup>23</sup>Upper Canada, House of Assembly, "Journals of the House of Assembly," 2nd Session, 5th Parliament, in *Eighth Report of the Bureau of Archives for the Province of Ontario*, ed. Alexander Fraser (Toronto: L. K. Cameron, 1912), pp. 285, 287, 296, 308, 304, 315, 332-333, 334; and idem, "Journals of the House of Assembly," 3rd Session, 5th Parliament, in *ibid.*, pp. 394, 406, 419, 420, 423, 432.

<sup>24</sup>Idem, "Journals of the House of Assembly," 2nd Session, 5th Parliament, in *Eighth Report of the Bureau of Archives*, pp. 315, 331.

<sup>25</sup>*Ibid.* p. 298; and idem, "Journals of the House of Assembly," 3rd Session, 5th Parliament, in *ibid.*, p. 403.

<sup>26</sup>*Ibid.*, pp. 323, 357; and *ibid.*, pp. 407-408.

<sup>27</sup>For a more complete discussion of the incident, see: idem, "Journals of the House of Assembly," 4th Session, 5th Parliament, in *Eighth Report of the Bureau of Archives*, pp. 39-44; and William Renwick Riddell, "Thomas Scott, the Second Attorney-General of Upper Canada," *Ontario Historical Society Papers and Records* 20 (1923): 134-137; and idem, "The Legislature of Upper Canada and Contempt: Drastic Methods of Early Provincial Parliaments with Critics," *Ontario Historical Society Papers and Records* 22 (1925): 195-197.

<sup>28</sup>Upper Canada, House of Assembly, "Journals of the House of Assembly," 4th Session, 5th Parliament, in *Eighth Report of the Bureau of Archives*, p. 41. For the full text of Robert Nichol's letter to the Secretary of the Lieutenant-Governor, see: *ibid.*, pp. 39-41.

<sup>29</sup>*Ibid.*, p. 42.

<sup>30</sup>*Ibid.*, pp. 57-58.

<sup>31</sup>Historically, the British House of Commons has asserted the right to be the sole judge of its own proceedings. This privilege reflects the origins of Parliament as the High Court of Parliament, the highest court of the land, and the attendant conception that it would be inappropriate for its proceedings to be cognizable in any other court. This principle was established by the reign of Henry III.

A corollary of this principle is that the House will treat an infringement of its privileges as contempt and will commit the offender to prison. While the House claims that it is the sole judge of the existence and extent of its privileges, the courts have always asserted that the parliamentary privilege is part of the law of the land and, in a properly stated case, have the jurisdiction to interpret it. [cf. *Benyon v. Evelyn* (1664) O. Bridg. 324, at 330-331, 333.] However, the courts have always sought to minimize the ground on which they could potentially clash with the Commons over the latter's interpretation of its privileges, including the right to punish for an alleged breach of them. In *Burdett v. Abbot*, (1811) 14 East 1, for example, the court held that if a person was committed to custody by Parliament with no cause specified on the warrant, the court would not go behind the warrant to investigate the reasons for the commitment.

<sup>32</sup>Upper Canada, House of Assembly, "Journals of the House of Assembly," 4th Session, 5th Parliament, in *Eighth Report of the Bureau of Archives*, pp. 69-70; Riddell, "Thomas Scott," p. 136; and *idem*, "The Legislature of Upper Canada and Contempt," pp. 196-197.

<sup>33</sup>*Ibid.*; and Upper Canada, House of Assembly, "Journals of the House of Assembly," 4th Session, 5th Parliament, in *Eighth Report of the Bureau of Archives*, pp. 74, 79-81.



<sup>34</sup>Manning, *Street: The Man, the Family, the Village*, p. 23; and Johnson, *Becoming Prominent*, p. 229.

<sup>35</sup>Janet Carnochan, *History of Niagara* (Toronto: William Briggs, 1914), p. 38; and *Dictionary of Canadian Biography*, vol. 5, p. 782.

## **RICHARD BEASLEY**

Richard Beasley was born on 21 July 1761 near Albany, in the colony of New York. Unfortunately, little is known about the first 16 years of his life but it is thought that he was raised and educated in this area.<sup>1</sup> With the outbreak of the American Revolutionary War in 1776, Beasley apparently enlisted in Roger's Rangers, a Loyalist militia unit. There is little documentation regarding his service with this regiment save for a reference to "a loyalist named Basly" in connection with charges made by rebel forces against two men from the Rangers dated 14 September 1777. It is likely that Richard Beasley was, in fact, the loyalist Basly to whom the document refers.<sup>2</sup> In any event, late the same year he emigrated to the province of Quebec and settled in the area near Fort Niagara. Here he worked as "Acting Commissary," or storekeeper, for the British forces. He resigned this post in 1779 to begin his own commercial ventures.<sup>3</sup>

Initially, Beasley became involved in trade with the Indians of the Niagara Region. In 1783, he formed a partnership with Peter Smith and endeavoured to expand his trade with the Indians. To this end, two trading houses were built -- one at Toronto and one at Pemitescutiang (Port Hope). The merchandise sold at these posts was varied and ranged from groceries and sundries to building supplies and gunpowder.<sup>4</sup> Over the next few years, the partnership diversified and in 1791 it built a milling establishment in the Ancaster Hills.<sup>5</sup> The partners also became involved in land speculation. In 1788, as Loyalist "Defenders of the Empire," both Beasley and Smith petitioned the Land Board of Upper Canada for tracts of land in Toronto and Pemitescutiang, citing their already-established interests in these areas. They were granted 200 acres per person, 100 acres apiece at each site. Beasley's Toronto grant was later dismissed by the Land Board, however, as Lieutenant-Governor Simcoe wished to establish the parliament buildings on the tract that had been awarded. In lieu of this 100-acre parcel of land, he was given 200 acres in Wentworth County, where he settled permanently.<sup>6</sup>

The first parliament of Upper Canada had been composed largely of militia officers and landowners. As a result, the interests of other social and political groups found little voice or support in this Assembly. Such was the case with the general political and economic interests of the mercantile population of Upper Canada. Indeed, policies which were in direct contrast to those favoured by the merchants had been put forth in the House. For example, it was suggested that a tax be imposed on liquor imported into the province. This action would, of course, have been detrimental to the



merchants' livelihood. In response to what was perceived as a political oversight, several traders and merchants took it upon themselves to become candidates in the 1796 elections.<sup>7</sup> Beasley was one of these individuals. He was no stranger to public service: in 1795 he had been appointed a Justice of the Peace for the Home District and a year later he had been made a magistrate.<sup>8</sup> In 1796, Richard Beasley was elected to the Legislative Assembly as the member for the counties of Durham, York and Lincoln (First Riding).

Although little mention is made of Beasley in the Journals before 1798, those for the remaining sessions of the second parliament (1798-1800) show that he actively participated in the business of the House. On 20 July 1798, he voted in favour of the passage of a bill which would have allowed persons emigrating to the province to bring their slaves with them.<sup>9</sup> During the course of the following year's session, not only did he move for the introduction of legislation pertaining to environmental and military issues, but he also vigorously argued against the provision of relief to Methodists.<sup>10</sup> Furthermore, Beasley was given the opportunity to employ his trading and commercial expertise in the House. In 1800 he and Timothy Thompson, the Member for Lennox, Hastings and Northumberland, were members of a committee which was formed in order

to prepare and report a Bill to empower the Governor, Lieutenant Governor, . . . to make such temporary Rules and Regulations from time to time as may be necessary respecting the trade between this Province and the United States of America.<sup>11</sup>

Thus, Beasley was able to voice the heretofore-neglected merchant opinion in ways that had the potential to affect directly government policies.

He was returned to the House in 1800 as the member for the counties of West York, Lincoln (First Riding) and Haldimand.<sup>12</sup> Even though it has been suggested that he made little contribution to the third parliament,<sup>13</sup> extant Journals show that he continued to be involved in the work of the Assembly. For instance, on 1 July 1801 Beasley voted against a bill which provided for the imposition of duties on items imported from the United States which could also be imported from Britain.<sup>14</sup> His greatest contribution to this parliament came with his election to the Speakership early in 1803.

The absence of Speaker David William Smith during the later sessions of the House necessitated the election of another member to the Chair. On 27 January 1803, Beasley was elected to the Speakership: he was the fourth candidate to be nominated and the first to be accepted by the House. David Rodgers, John Ferguson and Alexander McDonell had all been put forth for the position -- indeed, Beasley himself had seconded Rodgers' nomination. All three were defeated by votes of six to four, the same margin of victory gained by Beasley.<sup>15</sup> He held the Speakership for the final two sessions of this parliament. Even though his tenure as Speaker was brief, he presided over an Assembly which debated many issues including the regulation of juries, the licensing of "Practitioners at law," and the provision of punishment for those individuals who aided or assisted deserters.<sup>16</sup> Furthermore, the House passed several bills including one "providing for compiling and printing all the Statutes of the Several Parliaments of this province" and another which provided "for the more equal representation of the Commons in parliament, and for the better defining of the qualifications of Electors."<sup>17</sup>

Between the years 1796 and 1804, Beasley's attentions were not focused solely on the work of the Assembly. During this period he continued to perform his aforementioned duties as Justice of the Peace and magistrate. In 1799, he became an agent for the *Canadian Constellation*. As agent, Beasley received applications and payments for subscriptions to the publication and supervised the work of its couriers.<sup>18</sup> He also held various militia commissions. In 1794 he joined the Second Regiment of the York Militia as a lieutenant; in 1798 he secured command of one of the companies. By 1809 he had been promoted to the rank of colonel.<sup>19</sup>

From the time of his election to the Assembly in 1796, Beasley was heavily involved in land speculation. Some historians have suggested that it was this over-extension of capital into land ownership that proved to be the prime cause of his ever-recurring financial difficulties.<sup>20</sup> He was party to several land deals, the most notable being one that involved a parcel of land known as Block II. In 1798, Beasley and two partners purchased 94,012 acres of land on the Grand River from the Six Nations Indians for a sum of £8,887 (provincial currency). Although he initially experienced some difficulty in attracting potential settlers to the land, a few immigrants, mostly Mennonites from the Pennsylvania area, eventually expressed an interest in settling there. Unfortunately, Beasley had not apprised the Mennonites of the hefty mortgage which existed on the property and which made their land deeds technically worthless.<sup>21</sup> It would take seven years and several inquiries



before this fiasco was sorted out and the legal possession of the land devolved to the Mennonites.<sup>22</sup>

After his tenure as Speaker, Beasley's political fortunes soured. He ran for office again in 1804 but was defeated. He made a more successful attempt in 1808 when he was elected as the representative for the county of York West. His political success, however, was short lived. The election was contested on the grounds that the returning officer had prematurely closed the poll. Eventually his victory was declared null and void, a new election was called and was won by John Willson.<sup>23</sup> It was not until 1824 that Beasley ventured a return to the Assembly.

From 1808 until 1824 Beasley's personal fortunes continued to be less than satisfactory. In 1811, his interests in land speculation led him to support a rather unpopular cause, namely the rights of American emigrants to vote and to be elected to the Legislature.<sup>24</sup> Despite his prominent position in the York Militia, Beasley's involvement in the War of 1812 was primarily administrative. For example, in 1812 he led a detachment charged with the duty of finding deserters; in 1813, he headed a commission in charge of abandoned or forfeited property. Although these were valuable contributions to the war effort in their own right, his conduct was viewed with contempt by several of the members of Upper Canada's political society.<sup>25</sup> The conflict ruined his farm and property which was situated very near the front lines.<sup>26</sup>

Despite all of this, it was Beasley's involvement in the Gourlay Affair of 1818 which ultimately discredited him in the eyes of the family compact. Around 1815, Robert Gourlay had come to Upper Canada and had compiled "A Statistical Account of the State of the Province." In the process, he had uncovered a great many grievances held by the land-owning population. These grievances were largely based on the government's unwillingness to compensate these individuals for the damage done to their property during the War of 1812. As a result of his findings, Gourlay took it upon himself to convene an extra-parliamentary conference at York on 6 July 1818. Beasley was sent to this conference as one of two delegates for the Gore District. In fact, he received the dubious honour of being chosen president of the conference.<sup>27</sup> The conference applied to the government for nothing less than the dissolution of the House. This demand was unconditionally rejected and future such gatherings were outlawed. In spite of such deterrents, Beasley held two branch meetings of the conference and, as a

result, was relieved of his duties as Justice of the Peace and magistrate, and lost his military commissions.<sup>28</sup>

Beasley's remaining years were quiet ones. He died on 16 February 1842 in Hamilton at the age of 81.

### Notes

<sup>1</sup>Nicholas Leblovic, "The Life and History of Richard Beasley, Esquire," *Wentworth Bygones* 7 (1967): 1; and C. M. Johnston, *Head of the Lake: A History of Wentworth County* (Hamilton: Robert Duncan and Co. Ltd., 1958), p. 38.

<sup>2</sup>H. Hastings, ed., *The Clinton Papers*, vol. 2 (New York: Macmillan, 1904), p. 321; Johnston, *Head of the Lake*, pp. 38, 301; and Leblovic, "Life and History," pp. 1, 11.

<sup>3</sup>See: *Upper Canada Land Book A, 1792-1796*, Archives of the Province of Ontario. See also: Leblovic, "Life and History," p. 1; Johnston, *Head of the Lake*, p. 38; and J. K. Johnson, *Becoming Prominent: Regional Leadership in Upper Canada, 1791-1841* (Montreal: McGill-Queen's University Press, 1989), p. 172.

<sup>4</sup>Johnston, *Becoming Prominent*, p. 22; "Richard Beasley," *Dictionary of Canadian Biography*, vol. 7 (Toronto: University of Toronto Press, 1988), p. 57; and Johnson, *Head of the Lake*, pp. 38, 39.

<sup>5</sup>Johnston, *Head of the Lake*, pp. 23, 36; Johnson, *Becoming Prominent*, p. 65; and Leblovic, "Life and History," p. 2.

<sup>6</sup>See: "Petition to Land Board Ministry," 22 October 1788, *Land Board Records*. See also: Mary Kearns Trace, *The Upper Canada Gazette (and American Oracle): Index to Personal Names, 1793-1798* (Calgary: Traces Publishing, 1988), p. 6; Leblovic, "Life and History," pp. 1-2; and Johnston, *Head of the Lake*, p. 42.

<sup>7</sup>Bruce G. Wilson, *The Enterprises of Robert Hamilton: A Study of Wealth and Influence in Early Upper Canada, 1776-1812* (Ottawa: Carleton University Press, 1983), p. 48; and Johnston, *Head of the Lake*, p. 42.



<sup>8</sup>Johnston, *Head of the Lake*, p. 41; Johnson, *Becoming Prominent*, pp. 65, 172; Wilson, *The Enterprises of Robert Hamilton*, p. 131; and Leblovic, "Life and History," p. 6.

<sup>9</sup>Upper Canada, House of Assembly, "Journals of the House of Assembly," 3rd Session, 2nd Parliament, in *Sixth Report of the Bureau of Archives for the Province of Ontario*, ed. Alexander Fraser (Toronto: L. K. Cameron, 1911), p. 71.

<sup>10</sup>*Ibid.*, pp. 111, 119.

<sup>11</sup>*Idem*, "Journals of the House of Assembly," 4th Session, 2nd Parliament, in *Sixth Report of the Bureau of Archives*, p. 136.

<sup>12</sup>Leblovic, "Life and History," p. 6; Johnston, *Head of the Lake*, p. 42; and Johnson, *Becoming Prominent*, p. 172.

<sup>13</sup>Leblovic, "Life and History," p. 6; and *Dictionary of Canadian Biography*, vol. 7, p. 57.

<sup>14</sup>Despite the efforts of Beasley and other merchant Members such as Samuel Street, the bill was passed. See: Upper Canada, House of Assembly, "Journals of the House of Assembly," 1st Session, 3rd Parliament, in *Sixth Report of the Bureau of Archives*, p. 231; and Leblovic, "Life and History," p. 6.

<sup>15</sup>*Idem*, "Journals of the House of Assembly," 3rd Session, 3rd Parliament, in *Sixth Report of the Bureau of Archives*, pp. 323-325.

<sup>16</sup>*Ibid.*, pp. 355, 365; and *idem*, "Journals of the House of Assembly," 4th Session, 3rd Parliament, in *Sixth Report of the Bureau of Archives*, p. 422.

<sup>17</sup>*Idem*, "Journals of the House of Assembly," 4th Session, 4th Parliament, in *Sixth Report of the Bureau of Archives*, pp. 427, 451.

<sup>18</sup>Johnston, *Head of the Lake*, p. 74.

<sup>19</sup>*Ibid.*, p. 46; Johnson, *Becoming Prominent*, p. 172; *Dictionary of Canadian Biography*, vol. 7, p. 57; and Leblovic, "Life and History," p. 7.

<sup>20</sup>Wilson, *The Enterprises of Robert Hamilton*, p. 89.

<sup>21</sup>See: Joseph Brant to David William Smith, Surveyor General, letter, 10 February 1801, David William Smith Papers, Manuscript Collection, Baldwin Room, Metropolitan Toronto Reference Library.

<sup>22</sup>Leblovic, "Life and History," pp. 4-6; Johnson, *Becoming Prominent*, p. 57; and Johnston, *Head of the Lake*, pp. 42-43, 52.

<sup>23</sup>Debra Forman, comp. and ed., *Legislators and Legislatures of Ontario*, vol. 1, 1792-1866 (Toronto: Research and Information Services, Legislative Library, 1984), p. 31; *Dictionary of Canadian Biography*, vol. 7, p. 57; and Leblovic, "Life and History," p. 7.

<sup>24</sup>Lillian F. Gates, *Land Policies of Upper Canada* (Toronto: University of Toronto Press, 1968), p. 99.

<sup>25</sup>Johnston, *Head of the Lake*, p. 57; Johnson, *Becoming Prominent*, p. 172; and Leblovic, "Life and History," p. 7.

<sup>26</sup>See: Letter dated 31 May 1813, in *Select British Documents of the Canadian War of 1812*, vol. 2, ed. W. Wood (Toronto: The Champlain Society, 1923), p. 108; and Petition from R. Beasley, RG 19, E5a, vol. 3740, no. 46, Public Archives of Canada. See also: Johnson, *Becoming Prominent*, p. 46; and Leblovic, "Life and History," pp. 7-8.

<sup>27</sup>Leblovic, "Life and History," p. 8; and Gates, *Land Policies*, pp. 109-110.

<sup>28</sup>Leblovic, "Life and History," pp. 8-9.



*Alexander McDonell (Collachie)*



**Alexander McDonell (Collachie)**  
**1805-1808**

*Portrait by Théophile Hamel*

## **ALEXANDER McDONELL (COLLACHIE)**

Alexander McDonell was born in Glengarry, Scotland in April 1762, the second son of Allan McDonell. Due to mounting economic pressures, the McDonells and other Highland families emigrated to North America in 1773 and settled as tenants of Sir John Johnson on his estate in the Mohawk Valley of New York.<sup>1</sup> Their lives were soon disrupted by the outbreak of the American Revolutionary War and, in response to this development, these Loyalists formed the Royal Highland Emigrants Regiment in 1775. Alexander's father, Allan McDonell, received a captain's commission in this same unit.<sup>2</sup> The Regiment's creation and the influence that Sir John Johnson held over the local Indian allies presented the Revolutionary forces with a small but potentially-dangerous opposing force. In 1776, General Schuyler and a large Revolutionary contingency were dispatched to Johnstown to ensure the neutrality of the settlers. The terms of Schuyler's proposal to the inhabitants were simple: disarm the Regiment and surrender all military stores or face attack. In order to save the settlement from sure destruction, the demands were met. As an added precaution, hostages were then taken to ensure the settlement's continuing neutrality -- among them was Allan McDonell.<sup>3</sup> He remained in custody until his escape to the province of Quebec in 1779.

From his earliest years, therefore, Alexander McDonell lived in a milieu dominated by military events. The years before his entry into provincial politics were largely taken up in pursuit of a military career. Like his father, McDonell's sympathies lay with the Loyalist cause: in 1777, he enlisted in the King's Royal Regiment of New York as a volunteer.<sup>4</sup> In this capacity, he was involved in the Battle of Oriskany (6 August 1777), the attack on Fort Schuyler (22 August 1777) and the occupation of Philadelphia in the fall of 1777. In 1778, he received his first commission, that of ensign in the Second Battalion of the Royal Highland Emigrants. In this same year, he was present at the Battle of Monmouth (28 June 1778) and, more important, became the dispatch messenger between Sir Henry Clinton in New York and General Haldimand in Upper Canada. It was during this period that he acquired a knowledge of Upper Canada which would serve him well in later years.<sup>5</sup>

After the evacuation of Philadelphia in September 1778, Alexander McDonell made his way to Quebec where his family had settled in the aftermath of the surrender of Johnstown. Here he continued to pursue a military career and received a lieutenant's commission in Butler's Rangers. In this capacity, he



participated in several raids and military excursions including a 1781 expedition into the Mohawk Valley to reclaim the Johnstown estates abandoned by McDonell's family and others.<sup>6</sup> In 1783, the Rangers were disbanded and McDonell was put on half-pay. Of the years between 1783 and his relocation to Kingston in 1790, little is known.

McDonell was first introduced to the realm of provincial administration by friend and fellow militia officer John Graves Simcoe. In 1792 the new Lieutenant-Governor appointed him Sheriff of the Home District.<sup>7</sup> As Sheriff his duties were numerous and included all the responsibilities which resulted from the every-day conduct of the judicial system such as issuing writs, calling juries, making arrests, executing sentences and maintaining jails. In addition to these tasks, he also attended the Courts of Quarter Session for his district.<sup>8</sup> McDonell himself chronicled many of these daily activities in his diary for 1 to 9 January 1799.<sup>9</sup> Several of the events included in these pages provide an insight into the daily workings of Upper Canadian administration and contemporary social mores. Indeed, the text shows that, as Sheriff, McDonell had contact and was familiar with several of the leading and important political figures of his day. He remained Sheriff of the Home District until his election to the Speakership in 1805.<sup>10</sup>

Sheriff McDonell was first elected to the House of Assembly in 1800 as the representative for the counties of Glengarry and Prescott. However, this was not the first time a member of the McDonell family had served in the Assembly: Alexander's elder brother Angus served as the first Clerk of the House of Assembly from 12 December 1792 until 30 May 1801.<sup>11</sup> The extant Journals for this period show that, despite his duties as Sheriff of the Home District, he took an active interest in the business of the House. For example, during the 1802 session, he was involved in the debate surrounding the petition of the Methodists requesting authority for their preachers to perform marriage ceremonies. Also during this session, he moved to bring in a bill "to authorize the Governor, Lieutenant-Governor, or person administering the Government to license Advocates and Attorneys for the conduct of legal proceedings in this Province."<sup>12</sup> In 1804, he seconded his brother's unsuccessful motion to bring in legislation which would change the name of York to Toronto.<sup>13</sup> More important, however, is the fact that it was Sheriff McDonell who attempted to bring in a bill which would have made provision "for the establishment of schools in each and every District within this Province." The motion met with a lively debate and was defeated by a vote of seven to five. In response, he then attempted to introduce

legislation establishing schools only in selected areas of the province. This motion was also defeated by a vote of seven to five.<sup>14</sup>

McDonell was returned to the House in 1805, once again as the member for the counties of Glengarry and Prescott and, upon the opening of the fourth parliament, he was unanimously elected its Speaker.<sup>15</sup> Despite other commitments, Speaker McDonell was often present in the House and presided over an Assembly which busied itself with many different issues. The question of the establishment and the funding of schools within the province repeatedly surfaced and was heatedly debated. In fact, the discussion on these issues raged over several sessions and culminated in the passage of *An Act to Establish Public Schools in Each and Every District of this Province* by a vote of 11 to seven.<sup>16</sup> In the course of the 1808 session, acts establishing a Court of Common Pleas in the province and one providing for the appointment of a judiciary for these courts were considered and subsequently passed.<sup>17</sup> Also passed during McDonell's term in the Chair were amendments to the *Marriage Act* and legislation concerning the qualification of electors.<sup>18</sup>

While Speaker, McDonell was involved in other, non-parliamentary endeavours. Of particular interest is his involvement with Lord Selkirk's Baldoon settlement. Although he had resigned his appointment as Sheriff upon his election to the Speakership, McDonell continued to act as land agent for this settlement during his term in the Chair. He had met Lord Selkirk during his 1803 North American. On the death of the settlement's temporary agent William Burn in 1804, McDonell was appointed supervisor of the 20 families that had settled at Baldoon, near Lake St. Clair. His annual salary was to be £300.<sup>19</sup> It was McDonell's job to sort out the administrative confusion left in the wake of Burn's death and to encourage emigration. As he took the Chair in 1805, McDonell was in a rather awkward position: committed both to the Assembly and to the overseeing of a colony located some miles from the seat of government in York.

In fact, it was exactly McDonell's inability to be in two places at the same time, or to make some provision for interim supervision of the settlement, which are credited with causing Baldoon's eventual demise. Even though he did attempt to alleviate the colony's worsening health and topographical conditions by moving them to Sandwich (Windsor) in 1805, his perceived mismanagement, his alleged neglect of the absentee Selkirk's instructions, and his distance from the colony were considered factors which aggravated rather than alleviated the mounting number of problems.<sup>20</sup> Even his role



as Speaker of the House did not escape scrutiny, prompting one historian to suggest that McDonell was simply "too busy with his new duties as Speaker of the House of Assembly to devote much attention to Selkirk's affairs."<sup>21</sup> While he expressed an interest in resigning the position as early as 1807, McDonell was not replaced as supervisor until 1809.

Nevertheless, the Baldoon incident did not affect his legislative career. McDonell was returned to the Assembly in 1808 as the member for Glengarry. In 1811 he left for England to make a detailed and personal report on the supervision of Baldoon to Lord Selkirk. He returned to Upper Canada the following year, and upon the outbreak of the War of 1812, the former Butler's Ranger was given the rank of colonel in the local militia and appointed deputy paymaster general. Although not on active duty during the conflict, he was taken prisoner at the capture of Niagara (26 May 1813) and was incarcerated in Lancaster, Pennsylvania until 1814.<sup>22</sup>

The end of the war did not bring an end to his involvement in administrative matters. In fact, McDonell remained a member of the Legislative Assembly until 1816. In addition, he accepted an appointment to the superintendency of the Military Settling Department's Perth settlement in 1815. He held this position for only one year. In 1816, he became an assistant secretary with the Indian Department. The culmination of his administrative career, however, came with his appointment to the Legislative Council of Upper Canada on 27 January 1831.<sup>23</sup> In his later years, McDonell became involved in financial matters and, in 1835, served as a Director for the Bank of Upper Canada. In fact, McDonell had been one of the original 40 petitioners who requested incorporation for the Bank of Upper Canada in 1818.<sup>24</sup> During the course of the next few years, however, his health began to fail and he died in Toronto on 18 March 1842 at the age of 80.

### Notes

<sup>1</sup>The land, 80,000 acres between the East and West Canada Creeks, had been given to Sir William Johnson in 1760 by the Six Nations Indians. It has been noted that the Highlanders settled as tenants rather than purchasing the land as they were "too poor to purchase land of their own." [Earle Thomas, *Sir John Johnson: Loyalist Baronet* (Toronto: Dundurn Press, 1986), pp. 50, 63.]

See also: Anonymous, "Handwritten History of the family of Allan Macdonell of Collachie," Alexander McDonell Estate Papers, Archives of the Province of Ontario (AO), pp. 1-5; Rev. Brother Alfred, *Catholic Pioneers in Upper Canada* (Toronto: Macmillan, 1947), pp. 3-4; and J. K. Johnson, *Becoming Prominent: Regional Leadership in Upper Canada, 1791-1841* (Montreal: McGill-Queen's University Press, 1989), p. 207.

<sup>2</sup>Edmund B. O'Callaghan, ed., *Documents Relative to the Colonial History of the State of New York*, vol. 8, (Albany, N. Y.: Weed, Parsons & Co., 1857), pp. 651-652; and Alfred, *Catholic Pioneers in Upper Canada*, p. 7.

<sup>3</sup>Claude Halstead Van Tyne, *The Loyalists in the American Revolution* (New York: Macmillan, 1902), pp. 125-126; Thomas, *Sir John Johnson*, pp. 17-22, 24; "Handwritten History," pp. 14-15; and Alfred, *Catholic Pioneers in Upper Canada*, pp. 4-5.

<sup>4</sup>"Alexander McDonell (Collachie)," *Dictionary of Canadian Biography*, vol. 7 (Toronto: University of Toronto Press, 1988), p. 554.

<sup>5</sup>"Handwritten History," pp. 33, 35; Alfred, *Catholic Pioneers in Upper Canada*, pp. 7-8; and Johnson, *Becoming Prominent*, p. 207.

<sup>6</sup>*Dictionary of Canadian Biography*, vol. 7, pp. 443, 554; "Handwritten History," pp. 35, 41; Alfred, *Catholic Pioneers in Upper Canada*, pp. 8-9; and Johnson, *Becoming Prominent*, p. 207.

<sup>7</sup>Frederick H. Armstrong, *Handbook of Upper Canadian Chronology and Territorial Legislation* (London, Ont.: Lawson Memorial Library, University of Western Ontario, 1967), pp. 163-164; "Handwritten History," p. 45; and Johnson, *Becoming Prominent*, p. 207.

<sup>8</sup>Armstrong, *Handbook of Upper Canadian Chronology*, p. 149.

<sup>9</sup>For the text of McDonell's diary see: "Journal of Sheriff Alexander McDonell," Manuscript Collection, AO. A transcript of this journal appears in J. E. Middleton and F. Landon, *The Province of Ontario: A History*, vol. II, Appendix A (Toronto: The Dominion Publishing Company, 1927), pp. 1246-1250.



<sup>10</sup>"Handwritten History," p. 47; and Alfred, *Catholic Pioneers in Upper Canada*, p. 14.

<sup>11</sup>Armstrong, *Handbook of Upper Canadian Chronology*, p. 104.

<sup>12</sup>Upper Canada, House of Assembly, "Journals of the House of Assembly," 2nd Session, 3rd Parliament, in *Sixth Report of the Bureau of Archives for the Province of Ontario*, ed. Alexander Fraser (Toronto: L. K. Cameron, 1911), pp. 284, 288-289.

<sup>13</sup>Upper Canada, House of Assembly, "Journals of the House of Assembly," 4th Session, 3rd Parliament, in *Sixth Report of the Bureau of Archives*, p. 421.

<sup>14</sup>*Ibid.*, pp. 427-431.

<sup>15</sup>Idem, "Journals of the House of Assembly," 1st Session, 4th Parliament, in *Eighth Report of the Bureau of Archives for the Province of Ontario*, ed. Alexander Fraser (Toronto: L. K. Cameron, 1912), p. 5.

<sup>16</sup>Idem, "Journals of the House of Assembly," 3rd Session, 4th Parliament, in *Eighth Report of the Bureau of Archives*, pp. 135, 138, 153, 164, 171, 242.

<sup>17</sup>Idem, "Journals of the House of Assembly," 4th Session, 4th Parliament, in *Eighth Report of the Bureau of Archives*, pp. 201, 206, 208, 210-213, 220, 240, 264-265, 267.

<sup>18</sup>Idem, "Journals of the House of Assembly," 1st Session, 4th Parliament, in *Eighth Report of the Bureau of Archives*, pp. 38, 39, 44, 63, 73-74, 79; and idem, "Journals of the House of Assembly," 3rd Session, 4th Parliament, in *ibid.*, pp. 135, 171-173, 176; and idem, "Journals of the House of Assembly," 4th Session, 4th Parliament, in *ibid.*, pp. 201, 213-214.

<sup>19</sup>Norm Macdonald, *Canada 1763-1841: Immigration and Settlement* (Toronto and New York: Longman Green and Co., 1939), p. 158; "Handwritten History," pp. 47-49; Alfred, *Catholic Pioneers in Upper Canada*, p. 14; and *Dictionary of Canadian Biography*, vol. 7, p. 554.

<sup>20</sup>McDonell to Selkirk, letters, 4 May 1805 and 28 July 1805, pp. 14341, 14347, Selkirk Papers, Vol. 54, Public Archives of Canada; A. E. D. MacKenzie, *Baldoon: Lord Selkirk's Settlement in Upper Canada*, ed. Dr. George Kerr (Petrolia, Ont.: Skinner Printing, 1978), pp. 46-54; and Macdonald, *Canada 1763-1841*, pp. 158-60.

<sup>21</sup>Macdonald, *Canada 1763-1841*, p. 160.

<sup>22</sup>Upper Canada, House of Assembly, "Journals of the House of Assembly," 5th Session, 5th Parliament, in *Ninth Report of the Bureau of Archives for the Province of Ontario*, ed. Alexander Fraser, (Toronto: L. K. Cameron, 1913), p. 111; "Handwritten History," p. 50; Alfred, *Catholic Pioneers in Upper Canada*, p. 14; Johnson, *Becoming Prominent*, p. 207; and *Dictionary of Canadian Biography*, vol. 7, p. 555.

<sup>23</sup>Armstrong, *Handbook of Upper Canadian Chronology*, p. 20; Alfred, *Catholic Pioneers in Upper Canada*, pp. 15-16; and Johnson, *Becoming Prominent*, p. 207.

<sup>24</sup>Upper Canada, House of Assembly, "Journals of the House of Assembly," 2nd Session, 7th Parliament, in *Tenth Report of the Bureau of Archives for the Province of Ontario*, ed. Alexander Fraser, (Toronto: L. K. Cameron, 1914), pp. 29-30; and Peter A. Baskerville, *The Bank of Upper Canada: A Collection of Documents*, The Carleton Library Series No. 141 (Toronto: The Champlain Society in cooperation with The Ontario Heritage Foundation, 1987), p. 317.



## ALLAN McLEAN

Of the select group of individuals who held the office of Speaker of the Assembly in Upper Canada during the pre-Confederation period, only two men could lay claim to presiding over two consecutive parliaments. One was David William Smith, the first Surveyor General of the province of Upper Canada, who occupied the Chair during the second and third parliaments. The other was Allan McLean, who presided over both the sixth and seventh Assemblies of Upper Canada.

McLean was born in Scotland in 1752. He emigrated to North America sometime before the outbreak of the American Revolutionary War and served in this conflict on the Loyalist side.<sup>1</sup> By 1795, he had taken up residence in Kingston on 3,000 acres which had been allotted to him under militia rights.<sup>2</sup> Over the next few years he continued to enlarge his holdings in this area and, by 1818, had acquired over 36,000 acres in total through the exercise of Loyalist land rights.<sup>3</sup>

He did not restrict his interest to the area of land speculation and was involved in both the law and provincial administration. For instance, he was one of the first barristers to be enrolled in the lists of the Law Society of Upper Canada. The date of his registration on the Society's rolls is 7 July 1794. It is possible that McLean was one of the 16 attorneys appointed by Lieutenant-Governor Simcoe in 1797 with the express purpose of establishing a core of accredited legal practitioners for the new province of Upper Canada.<sup>4</sup> In addition to a legal career, on 4 June 1796 he was appointed Registrar for Frontenac, Lennox and Addington, Prince Edward and Hastings counties. He is listed as carrying out this appointment as late as 1825.<sup>5</sup> Moreover, in 1794 he had been commissioned as Clerk of the Peace for Upper Canada; on 1 January 1800 he was recommissioned as Clerk of the Peace for the Midland District.<sup>6</sup>

McLean was first elected to the House in 1804 as the representative for the county of Frontenac. Unfortunately, there is scant mention of his participation in the business of the House for the period 1804-1811. What can be established, however, is that he was returned to the Assembly as the member for Frontenac in 1805, 1809 and 1812. It was in 1812 that McLean was first elected to the Speaker's Chair. The exact date of this event is unknown due to the absence of Journals for 1812 and 1813. The first reference to Speaker McLean is found in the Journal entry for 15 February 1814.<sup>7</sup>

McLean first held the office of Speaker of the Assembly during a tempestuous period in Upper Canadian history: he presided over the Chamber during the years before and after the War of 1812. Unfortunately, the Journals for the year 1812 and 1813 are not in existence and can give no insight into the business of the House or the actions of its Speaker during this period. Of course, it is entirely possible that if Journals for these years were discovered, they would show that McLean -- as well as many other members -- attended the House infrequently during the course of the War. The reason for this possible absenteeism was simple: like other members of the Assembly, McLean joined the provincial militia and served for the duration of the hostilities. In 1812, he was awarded the rank of lieutenant-colonel, or second in command, of the First Regiment of the Frontenac militia. He held this same rank in the Volunteer Incorporated Militia Battalion between 1813 and 1814.<sup>8</sup>

The Journals for 1814-1816 do exist and show that the Assembly over which Speaker McLean presided was concerned not only with aspects of provincial security but also with social and commercial matters. The House, for example, considered a bill dealing with amendments to existing militia laws and another which established a framework within which individuals who had been recently charged with treason could be tried and punished.<sup>9</sup> In addition, the eligibility of persons seeking election to the Assembly who had either deserted during the War or had chosen to return to the United States was hotly debated. Pursuant to this debate, the Assembly passed a bill prohibiting such individuals from holding a seat in the House. While this legislation may be seen as a future precautionary measure, it directly affected the composition of the House. As a result of the bill's passage, Abraham Markle and Joseph Wilcocks were expelled from the Assembly in February 1814.<sup>10</sup>

The political aftermath of the War also encouraged the Assembly to consider its commercial relationship with the United States. Although it took no action to restructure or to dissolve existing trade regulations between the two countries, it struck a five-member committee to examine the body of legislation governing this relationship.<sup>11</sup> Moreover, the perennial issue of regulation of public schools in the province surfaced during McLean's initial term in the Chair. While the bill was hotly debated, an act to regulate common schools was ultimately passed.<sup>12</sup> The jurisdiction of district courts and the establishment of a Legislative Library also merited the Assembly's consideration during this period.<sup>13</sup>



Perhaps the most interesting incident of McLean's Speakership spanned both his terms in the Chair. On 21 February 1816 the Legislative Council sent an act it had initiated down to the Assembly for approval or amendments. Although this procedure would not in itself anger the Assembly, the act in question authorized the imposition of new tax duties in the course of providing temporary trade regulations between the United States and Upper Canada. A problem then arose over a matter of procedure: the House perceived the Council's instigation of a money bill to be an infringement of what it considered to be the Assembly's privilege of being the sole originator of public money bills.<sup>14</sup> The conflict that developed between the two legislative bodies over this issue remained unresolved during the sixth parliament and was carried over into the following one.

In March 1818 the Legislative Council sent a similar bill to the Assembly. Once again, the House refused to grant approval. Indeed, the Assembly passed several resolutions questioning outright the Council's ability to initiate such legislation. It was resolved

that this House consider it as their constitutional right to commence all money bills, either granting aids and supplies to His Majesty or imposing any charge or burthen [sic] whatsoever upon the people, and to direct, limit, and appoint in such bills the ends and purposes, considerations, limitations, and qualifications thereof, and that such grants, limitations and dispositions ought not to be interfered with by amendments in the Legislative Council, because such has never been permitted by the Commons of this Province, nor is it the usage and practice of the British Parliament.

. . .

[And] that the Commons have never questioned the principle of either constitutional right or necessity of the concurrence of the Legislative Council in passing bills, but do insist that the exercise of its judgment and discretion on all bills

granting aids and supplies to His Majesty, or imposing burthens [sic] upon the people is by uniformly acknowledged precedent confined to assent without making any amendments, or to the rejection totally [of] such bills; and that the admission of a contrary principle upon the part of the Commons would be surrendering a constitutional right always exercised by this House, and from time immemorial by the Commons of Great Britain, which this House will never consent to.<sup>15</sup>

The Legislative Council reacted to the House's defiance by adopting its own set of resolutions. These maintained that the Members of the Assembly were incorrect in basing their reasons rejecting the bill on rights and privileges that were the practice of the British House of Commons. Furthermore, the resolutions stated that the Assembly was "not justified by the words or spirit of the Constitution" in claiming any or all of the British parliament's powers, privileges or authority as its own. Those powers and privileges possessed by both legislative bodies in Upper Canada stemmed from the Constitution and not from any resemblance to the British parliament.<sup>16</sup> The Council's resolutions further stated

That the origin of all supplies in either House or exclusively in the House of Assembly must be indifferent so long as either House retains the power of rejection, that the exercise of the right to amend an original bill is equally indifferent except that without the exercise of that right, or the resort to amicable conference between the two Houses time is wasted and the public service delayed.

That the House of Assembly did by Resolutions, . . . declare that it would not accede to any conference on the subject of a money bill.



That having no means of interchanging opinion with the House of Assembly, but by way of conference or amendments, the Legislative Council does not consider it reasonable that such amendments should be treated as a breach of privilege and that having declared by its resolutions transmitted to the House of Assembly that it would forbear amendments to money bills such resolution ought to afford reasonable satisfaction to the House (even if its privilege has been violated) and restore the course and harmony of proceeding in the public business.<sup>17</sup>

Ultimately, the Assembly did approve the bill, but only after an adjournment of the Legislative Council had occurred. The Members, assuming that such action signalled the prorogation of the Assembly, voted the money by Address in order "to prevent the public inconvenience that might follow."<sup>18</sup>

While this problem occupied a great deal of the Assembly's time and efforts, it did not monopolize them. In the course of McLean's second term as Speaker,<sup>19</sup> the House considered bills providing for the establishment of the Bank of Upper Canada,<sup>20</sup> the continuance of the provisional agreement which existed between Upper and Lower Canada,<sup>21</sup> and even the accommodation of the House of Assembly itself.<sup>22</sup> On 14 March 1817 several members were appointed by the House as Commissioners under the *Road Act* and given responsibility for the maintenance of roads in their respective districts. This list included Speaker McLean as Commissioner for the Midland District.<sup>23</sup>

McLean again won his seat in the House in 1821. While nominated for the position of Speaker, he was not re-elected to a third term.<sup>24</sup> After 1824, he left the Assembly but continued to carry out his civil commissions. For instance, the *York Almanac* for 1825 cites him as holding several different administrative positions: county registrar, member of the land board for the Midland District, and trustee of public schools for this same area.<sup>25</sup> Little

more can be discerned of his later years. Allan McLean died on 8 October 1847 at Kingston, Canada West.

### Notes

<sup>1</sup>J. K. Johnson, *Becoming Prominent: Regional Leadership in Upper Canada, 1792-1841* (Montreal: McGill-Queen's University Press, 1989), p. 211.

<sup>2</sup>"List of Land Allotments, 3 July 1796," Legislative Council Minutes, David William Smith Papers, Baldwin Room, Metropolitan Toronto Reference Library.

<sup>3</sup>Lillian F. Gates, *Land Policies in Upper Canada* (Toronto: University of Toronto Press, 1968), p. 333; and Johnson, *Becoming Prominent*, pp. 57, 211.

<sup>4</sup>"Barrister's List," in *The Upper Canadian Law Directory for 1857*, ed. J. Rordans (Toronto: Rowsell, 1858), p. 55, Law Society of Upper Canada Archives; Richard A. Preston, ed., *Kingston Before the War of 1812: A Collection of Documents* (Toronto: University of Toronto Press, 1959), p. 219; Frederick H. Armstrong, *Handbook of Upper Canadian Chronology and Territorial Legislation* (London, Ont.: Lawson Memorial Library, University of Western Ontario, 1967), p. 119; and Johnson, *Becoming Prominent*, p. 35.

<sup>5</sup>"List of Registrars of Counties," in *The York Almanac and Royal Calendar of Upper Canada for the Year 1825* (York: Charles Fothergill, 1826), p. 120; and Johnson, *Becoming Prominent*, p. 211.

<sup>6</sup>Armstrong, *Handbook of Upper Canadian Chronology*, p. 175; and Johnson, *Becoming Prominent*, p. 211.

<sup>7</sup>Upper Canada, House of Assembly, "Journals of the House of Assembly," 3rd Session, 6th Parliament, in *Ninth Report of the Bureau of Archives for the Province of Ontario*, ed. Alexander Fraser (Toronto: L. K. Cameron, 1912), p. 103; and Debra Forman, comp. and ed., *Legislators and Legislatures of Ontario*, vol. I, 1792-1866 (Toronto: Research and Information Services, Legislative Library, 1984), p. 39.



<sup>8</sup>Preston, *Kingston Before the War of 1812*, p. 219; and Johnson, *Becoming Prominent*, p. 219.

<sup>9</sup>Upper Canada, House of Assembly, "Journals of the House of Assembly," 3rd Session, 6th Parliament, in *Ninth Report of the Bureau of Archives*, pp. 112, 113, 126-129, 131-132, 138, 149-150.

<sup>10</sup>*Ibid.*, pp. 111, 114, 125, 129, 133; and Forman, *Legislators and Legislatures*, pp. 38-39.

<sup>11</sup>*Idem*, "Journals of the House of Assembly," 5th Session, 6th Parliament, in *Ninth Report of the Bureau of Archives*, p. 173. See also: *idem*, "Journals of the House of Assembly," 2nd Session, 7th Parliament, in *ibid.*, pp. 509, 537, 541, 542.

<sup>12</sup>*Ibid.*, pp. 171, 208-209, 213, 220, 261, 264.

<sup>13</sup>*Ibid.*, pp. 177, 180, 185, 207.

<sup>14</sup>*Ibid.*, pp. 192-198.

<sup>15</sup>*Idem*, "Journals of the House of Assembly," 2nd Session, 7th Parliament, in *ibid.*, p. 547.

<sup>16</sup>*Ibid.*, p. 549.

<sup>17</sup>*Ibid.*

<sup>18</sup>*Ibid.*, pp. 561-562.

<sup>19</sup>He had been re-elected to the Chair in an unanimous vote on 4 February 1817. [*Idem*, "Journals and Proceedings of the House of Assembly," 1st Session, 7th Parliament, in *Ninth Report of the Bureau of Archives*, p. 312.]

<sup>20</sup>*Ibid.*, pp. 352, 353, 361, 379, 383, 395, 397, 410, 420; *idem*, "Journals of the House of Assembly," 2nd Session, 7th Parliament, in *Ninth Report of the Bureau of Archives*, pp. 29-30, 53; and *idem*, "Journals of the House of Assembly," 4th Session, 7th Parliament, in *Tenth Report of the Bureau of Archives for the Province of Ontario*, ed. Alexander Fraser (Toronto: L. K. Cameron, 1914), pp. 110, 187, 191-192.

<sup>21</sup>Idem, "Journals of the House of Assembly," 2nd Session, 7th Parliament, in *Ninth Report of the Bureau of Archives*, pp. 509, 537, 541, 542.

<sup>22</sup>Idem, "Journals of the House of Assembly," 1st Session, 7th Parliament, in *Ninth Report of the Bureau of Archives*, pp. 328, 467-468, 474.

<sup>23</sup>Ibid., pp. 374-375.

<sup>24</sup>Idem, "Journals of the House of Assembly," 1st Session, 8th Parliament, in *Tenth Report of the Bureau of Archives*, p. 267.

<sup>25</sup>*The York Almanac*, pp. 120, 121, 122.



*Levius Peters Sherwood*



**Levius Peters Sherwood**  
**1821-1824**

*Portrait by Théophile Hamel*

## LEVIUS PETERS SHERWOOD

Levius Peters Sherwood was born 12 December 1777 at St. John's, Quebec.<sup>1</sup> As the second son of a United Empire Loyalist militia captain, it is not surprising that Sherwood would do as many other men of his day had done and join the provincial militia. His career, however, was not to be made in the military. Although he held several public administrative offices during his lifetime, he chose to pursue law as his profession. It is for his contributions to the judiciary that he is best known. He articled with his elder brother Samuel who, in 1796, had become the first lawyer in the eastern district of Johnstown. Upon his call to the Bar in 1803, Levius Sherwood became only the second practising lawyer in the area.<sup>2</sup> Shortly after his call to the Bar, he took up residence in Brockville. It was here that he began his distinguished legal career and also became involved in public administration.

The early years of his career were characterized by the interests in law and public service that were to mark his years as a member and Speaker of the House of Assembly of Upper Canada. Indeed, the number and types of appointments awarded to Sherwood between 1801 and 1812 show not only his talent in legal and administrative areas but also his growing importance in Upper Canadian society. His first civil commission came in 1801 when he was named collector of customs for Brockville. He kept this office for over 20 years. On 20 May 1801 he was named registrar for Leeds and Carleton counties.<sup>3</sup> As with his position of customs collector, Sherwood kept this office until his appointment to the Court of King's Bench in 1825 forced him to resign.<sup>4</sup> In addition to these local administrative responsibilities, Sherwood was involved with the provincial militia prior to his entrance to the Assembly in 1812. By 1808 he held the rank of captain in the Leeds Militia. He was promoted to the rank of lieutenant-colonel and awarded command of the incorporated militias of the Eastern and Johnstown districts in 1812.<sup>5</sup> He received one more civil commission before his election to the Assembly. On 16 March 1812, Sherwood received his first judicial appointment and was named to the bench of the Surrogate Court of the Johnstown District.<sup>6</sup>

He was first elected to the House of Assembly of Upper Canada in 1812 as a representative for Leeds County. However, it was not during the sixth parliament that he was to make his mark on the Legislature. In fact, the extant Journals for this period contain few references either to Sherwood's attendance or to his participation in the business of the House. These



omissions can perhaps be explained when the demands of his military and judicial duties are taken into account. Indeed, his command of the combined militias of the eastern districts would, as the events of 1812-1814 unfolded, place greater and growing demands on his time and attention. Furthermore, it is likely that Sherwood's judicial responsibilities also hindered his ability to attend the House on a regular basis.

Nevertheless, the Journals show that Sherwood was in attendance during some of the sessions and he is usually noted for speaking out against government measures that he considered unjust. For example, late in 1813 the government introduced martial law in the eastern districts of Upper Canada in order to circumvent a crisis over rising food prices and the availability of food stuffs for the soldiers garrisoned in the area. Sherwood, whose riding of Leeds was at the heart of the eastern district, successfully moved for the government to rescind its declaration as it was "unconstitutional and contrary to and subversive of the established laws of the land."<sup>7</sup> Unfortunately, the existing Journals give little additional information on his actions during this parliament.

The years between the dissolution of the sixth parliament in 1816 and his re-election to the Assembly in 1821 were typical of Sherwood's career encompassing both the military and the law. In conjunction with his brother, he served as the counsel for the defence at the trial of the Red River rioters in 1818.<sup>8</sup> In 1820, he was once again appointed to a judicial body and was made a judge of the Johnstown District court.<sup>9</sup> Also in 1820, Sherwood was promoted to the rank of colonel of the First Regiment of the Leeds militia in recognition of his service as a commander during the War of 1812.<sup>10</sup>

Sherwood reacquired his seat in the House of Assembly in 1820 as a member for the county of Leeds. It was in this parliament that Sherwood would take a more prominent role in the business of the House: on 2 February 1821 he was elected Speaker. He was the fourth candidate nominated for the position; Robert Nichol and former Speakers Alexander McDonell and Allan McLean had also been put forward but had failed to gain the approval of the House.<sup>11</sup> Sherwood held the office until the dissolution of the Assembly in 1824.

The House dealt with several issues during Sherwood's term as Speaker. Monetary and commercial matters figured prominently in the daily agenda. Members debated and passed bills to establish a uniform currency in the province<sup>12</sup> and to provide for the issue of small notes.<sup>13</sup> During this

Parliament the financial arrangement between Upper Canada and Lower Canada was called into question. An agreement regarding the imposition and collection of tariffs and duties had existed between the two provinces in various forms since 1797. In 1819, the Assembly of Upper Canada had recessed without renewing the agreement; it had been hoped that the Lower Canadian Assembly would deal with the issue but they had not. Thus, since the collapse of the agreement, Upper Canada had been without much-needed revenues from the taxes collected at Lower Canadian ports. The province soon acquired a substantial debt and, by 1821, was in desperate need of these tax supplements. That year, the Assembly set up a legislative committee to inquire into the matter of arrearage which had not been paid to Upper Canada. The report submitted by the committee detailed the history of the tax agreement between Upper and Lower Canada and chronicled the difficulties experienced in trying to settle the matter of the outstanding payments. While the committee did not resolve the matter, it did prepare a plan for arbitration of the dispute: a three-member panel would be set up to settle the question. The panel would have one member each from Upper and Lower Canada and the third member would be chosen by the Governor of Nova Scotia or New Brunswick.<sup>14</sup>

In addition to presiding over the debates concerning these questions of commerce, Speaker Sherwood was forced to break a deadlock on a potentially volatile issue. During the House's third session, a bill was introduced which sought to ban the Orange Lodge from Upper Canada.<sup>15</sup> Political tension had been growing rapidly between the Irish immigrants who were members of the Lodge and the political establishment, and the proposed legislation was seen as a means of curtailing the conflict. The bill was supported by many members, particularly those of the eastern districts where the conflict was greatest. The vote on the second reading of the bill was split, thus forcing Speaker Sherwood to settle the issue. Although it might have been politically expedient for him to vote in favour of the motion as he himself represented a riding in the eastern district, Sherwood cast his vote against the motion citing a preference to solve the problem through other unspecified methods.<sup>16</sup>

Perhaps the most noteworthy occurrence of his term in the Chair concerns the debate over the eligibility of Barnabas Bidwell to hold a seat in the Assembly.<sup>17</sup> Bidwell had emigrated to Upper Canada from Massachusetts in 1811. While in the United States, he had held both a seat in Congress and the office of Attorney General of Massachusetts. Bidwell had stood as a candidate for the county of Lennox and Addington in the 1821 Upper



Canadian by-election and had been duly elected. In the opening days of the second session, however, his election was contested by Timothy Storing. The petition cited Bidwell's American citizenship as an obstacle to his becoming a member of the Assembly. It was argued that as a citizen of the United States and a member of the American Congress, Bidwell had vowed to uphold that country's republican constitution and had thus abjured all allegiance to Britain.<sup>18</sup> Because of this allegiance, the petition concluded, Bidwell could not sit as a member of the House. A debate on the "alien" question quickly followed this motion; ultimately, his election was declared void and Bidwell was not allowed to take a seat in the Assembly.<sup>19</sup>

Not all the events of Sherwood's speakership were of a parliamentary nature. On 19 March 1821, some six weeks after he assumed the Chair, he was appointed a judge of the court of the Eastern District of Lunenburg. The Speaker of the House served in this capacity during the recess between the first and second sessions of the eighth parliament (15 February 1821 to 20 November 1821).<sup>20</sup> In fact, he held this appointment throughout his term as Speaker and did not resign until some 18 months after the dissolution of the Legislature in 1824.<sup>21</sup>

In 1825, Sherwood was not returned to the Legislature but continued his career in the judiciary. On 17 October 1825, he was appointed a puisne, or associate judge, of the Court of King's Bench.<sup>22</sup> Over the course of his 14 years as a judge of this court he developed a reputation for being conservative but fair in his judgements, a man "given to take an equitable view of matters when it was possible to do so and still [uphold] the principles of law that then prevailed."<sup>23</sup> After his retirement from the judiciary in 1839, Sherwood remained active in the political and administrative life of Upper Canada. In 1841, he was named a member of the council of King's College in Toronto. On 19 August 1842 he was appointed to the Legislative Council. An appointment to the Executive Council followed on 1 November 1843.<sup>24</sup>

Levius Peters Sherwood lived long enough to see his sons Henry and George enter the Legislature and begin distinguished political careers. He died in Toronto in May of 1850 at the age of 73.

## Notes

<sup>1</sup>J. K. Johnson, *Becoming Prominent: Regional Leadership in Upper Canada, 1791-1841* (Montreal: McGill-Queen's University Press, 1989), p. 225; and "Levius Peters Sherwood," *Dictionary of Canadian Biography*, vol. 7 (Toronto: University of Toronto Press, 1988), p. 795.

<sup>2</sup>"Barristers' Roll," *The Upper Canadian Law Directory for 1857*, ed. J. Rordans (Toronto: Henry Rowsell, 1856), p. 55, Law Society of Upper Canada Archives; Ruth MacKenzie, *Leeds and Grenville, Their First 200 Years* (Toronto: McClelland and Stewart, 1967), p. 117; and *Dictionary of Canadian Biography*, vol. 7, p. 795.

<sup>3</sup>"List of Registrars of Counties," *The York Almanac and Royal Calendar for Upper Canada for the Year 1825* (York: Charles Fothergill, 1825), p. 120; Frederick H. Armstrong, *Handbook of Upper Canadian Chronology and Territorial Legislation* (London, Ont.: Lawson Memorial Library, University of Western Ontario, 1967), p. 143; and Johnson, *Becoming Prominent*, pp. 18-19.

<sup>4</sup>Johnson, *Becoming Prominent*, p. 19.

<sup>5</sup>*Ibid.*, pp. 225-226; and *Dictionary of Canadian Biography*, vol. 7, p. 795.

<sup>6</sup>"List of Judges of Surrogate Courts," in *York Almanac*, p. 119; and Armstrong, *Handbook of Upper Canadian Chronology*, p. 159.

<sup>7</sup>Donald Harman Akenson, *The Irish in Ontario: A Study in Rural History* (Montreal: McGill-Queen's University Press, 1984), pp. 123-124.

<sup>8</sup>D. B. Read, *The Lives of the Judges of Upper Canada and Ontario, from 1791 to the Present Time* (Toronto: Rowsell and Hutchinson, 1888), p. 101.

<sup>9</sup>Armstrong, *Handbook of Upper Canadian Chronology*, p. 158; and Johnson, *Becoming Prominent*, p. 19.

<sup>10</sup>"Militia List," in *York Almanac*, p. 131; and Johnson, *Becoming Prominent*, p. 226.



<sup>11</sup>Upper Canada, House of Assembly, "Journals of the House of Assembly," 1st Session, 8th Parliament, in *Tenth Report of the Bureau of Archives for the Province of Ontario*, ed. Alexander Fraser (Toronto: L. K. Cameron, 1914), p. 267; and Debra Forman, comp. and ed., *Legislators and Legislatures of Ontario*, vol. 1, 1792-1866 (Toronto: Research and Information Services, Legislative Library, 1984), pp. 45, 52.

<sup>12</sup>*Ibid.*, pp. 286, 325, 326, 334, 335, 362-366, 510-512.

<sup>13</sup>*Ibid.*, pp. 352, 363, 379, 381.

<sup>14</sup>*Idem*, "Journals of the House of Assembly," 2nd Session, 8th Parliament, in *Eleventh Report of the Bureau of Archives for the Province of Ontario*, ed. Alexander Fraser (Toronto: A. T. Wilgress, 1915), pp. 50-52, 53, 54, 55, 96-115.

<sup>15</sup>*Idem*, "Journals of the House of Assembly," 3rd Session, 8th Parliament, in *Eleventh Report of the Bureau of Archives*, p. 321.

<sup>16</sup>*Ibid.*, pp. 372, 385-386; and Akenson, *The Irish in Ontario*, pp. 170-171.

<sup>17</sup>For a more detailed discussion of the events surrounding the Bidwell elections and the "alien" question, see: William Renwick Riddell, "The Bidwell Elections: A Political Episode in Upper Canada a Century Ago," *Ontario Historical Society Papers and Records* 21 (1924): 236-244; and David Mills, *The Idea of Loyalty in Upper Canada, 1784-1850* (Montreal: McGill-Queen's University Press, 1988), pp. 36-37.

<sup>18</sup>Upper Canada, House of Assembly, "Journals of the House of Assembly," 2nd Session, 8th Parliament, in *Eleventh Report of the Bureau of Archives*, pp. 7-9, 29-31, 36, 37; and Riddell, "The Bidwell Elections," pp. 236-237.

<sup>19</sup>*Ibid.*, pp. 237-238.

<sup>20</sup>Johnson, *Becoming Prominent*, p. 226; and Armstrong, *Handbook of Upper Canadian Chronology*, p. 27.

<sup>21</sup>Armstrong, *Handbook of Upper Canadian Chronology*, p. 158.

<sup>22</sup>Read, *Lives of the Judges of Upper Canada*, p. 102; Armstrong, *Handbook of Upper Canadian Chronology*, p. 110; and MacKenzie, *Leeds and Grenville*, p. 118.

<sup>23</sup>Read, *Lives of the Judges of Upper Canada*, pp. 103-105.

<sup>24</sup>*Dictionary of Canadian Biography*, vol. 7, p. 795.



*John Willson*



**John Willson**  
**1825-1828**  
*Portrait by Théophile Hamel*

## JOHN WILLSON

John Willson was born on 5 August 1776 in New Jersey, then one of the Thirteen Colonies. The exact date of his emigration to Upper Canada is unknown; a land petition dated 16 June 1806 places it around 1793 while other sources suggest 1790 as the possible date. In any event, by 1796 he had arrived in Upper Canada, settled in Saltfleet Township and had established himself as a prosperous farmer.<sup>1</sup>

Unlike many of the other men who were eventually elected to the Assembly, Willson did not possess a great many civil commissions. In fact, prior to his election to the House, he held only one -- that of Justice of the Peace for the Home District. He received this appointment on 1 July 1796.<sup>2</sup> It was not until many years later, on 25 March 1811, that he would acquire a similar appointment to the position of Justice of the Peace for the Gore District. As a prominent Methodist, it was unlikely that Willson would have received any significant civil or administrative positions in the Anglican-dominated public service. Indeed, it has been noted that he was the only Methodist member of the House of Assembly ever to hold a public service appointment of any real status.<sup>3</sup>

Willson's long political career began in 1808 when he stood as a candidate in a by-election for the West Riding of York. He represented what he later called "the Opposition," that is a group of "dissenting religious people, particularly Presbyterians, Methodists, Baptists, Mennonites and Tunkers."<sup>4</sup> This group of "dissenters" sought to send someone to the Assembly who would voice their desire for religious toleration and liberty. Although a 1798 statute had granted comparable rights to Lutherans and Calvinists, the preeminence of the Church of England in the society and politics of Upper Canada assured that other non-Anglican sects were accorded few basic political and social rights or privileges. For example, marriages performed by non-Anglican clergy were not recognized as legal, and it was difficult for a non-Anglican to secure a seat in the Assembly.<sup>5</sup> Willson, a local Methodist leader, was elected by a large majority. It was not long, however, before even this small victory was challenged on the grounds that he was a "Teacher and a Preacher" and "on that account is rendered ineligible."<sup>6</sup> Willson's election was not overturned and he was able to take his seat in the Assembly.<sup>7</sup> Not surprisingly, he became an advocate of civil and religious liberty during the final sessions of the fifth parliament.



Willson was returned to the House in 1812. Unfortunately, the lack of Journals for 1812 and 1813 prevents a detailed assessment of his performance in the House during this period. Of course, it is probable that he, like many other members of the sixth parliament, was not in attendance during these years due to the outbreak of the War of 1812. From 1812 to 1814, Willson served as a captain in the Third Regiment of the York Militia.<sup>8</sup> In the remaining sessions of the sixth parliament Willson often participated in the daily business of the House. In fact, he was involved in several of the most important issues debated during this period. For example, on 26 February 1814, he was the only member to vote against a bill which would have provided for the suspension of the writ of *habeas corpus*.<sup>9</sup> Willson introduced the Common Schools Bill which provided for the regulation and public support of schools throughout the province.<sup>10</sup> He had a great interest in the subject of education and had acted as co-author of the legislation. Although initially opposed by many members, the Common Schools Bill was eventually passed and, on 1 April 1816, became the first such law in Upper Canada.<sup>11</sup>

Even though he was unsuccessful in the 1817 general election, Willson was elected to the House as the member for Halton in an 1819 by-election.<sup>12</sup> However, he was not idle during this short sabbatical. During this period he continued to execute his duties as Inspector of Licences and Justice of the Peace for the Home and Gore Districts.<sup>13</sup> Willson won seats in the eighth and ninth parliaments. When the latter convened on 11 January 1825, he was elected to the office of Speaker.

During the course of his term in the Chair, the Assembly dealt with several important and potentially volatile issues. As it had in the previous parliament, the "alien" question frequently dominated the Assembly's agenda. The Bidwell incident had focused attention on the question of the political rights of American citizens residing in Upper Canada. As a consequence, Willson presided over an Assembly which hotly debated the political and property rights entitled to American residents.<sup>14</sup> Indeed, several petitions requesting the passage of legislation which would provide for the naturalization of American residents were brought before the House. Ultimately, it was resolved that the provincial parliament did not have the power to enact such legislation.<sup>15</sup> Furthermore, government support for public works such as the Welland Canal was discussed during Willson's Speakership. At this time, the Welland Canal Company was not only given permission by the Assembly to begin construction, but it was also voted a

monetary subsidy in the form of one-ninth of the total construction expenses incurred by the Company.<sup>16</sup>

Perhaps the most notable event to occur during Willson's tenure as Speaker concerned the Assembly itself. In 1824 a fire destroyed one wing and most of the main parliament building. Due to the necessity of quickly finding an alternative home for the Assembly, the newly built but as yet unoccupied York Hospital was chosen as interim accommodation. The Hospital served as a make-shift parliament building until 1828.<sup>17</sup> Not surprisingly, the Journals for this parliament make numerous references to the necessity for the construction of a new parliament building. For instance, reports on the extent of the damage to the original building and the cost of construction were presented to the House and debated.<sup>18</sup> During the second session, £10,000 was provided for the construction of a new building during the second session.<sup>19</sup> In addition, the Trustees of the York Hospital -- who were anxiously awaiting the return of their building -- petitioned the Assembly in 1828 for aid to the hospital "in return for the temporary occupation of their building."<sup>20</sup>

Willson was not re-elected to the Speakership even though he was returned to the House on two more occasions, in 1829 and 1830. His departure from the Assembly in 1834 did not totally remove him from political or administrative circles. On 21 June 1838 he was appointed to the bench of the Surrogate Court of the Gore District.<sup>21</sup> Although he was reluctant to accept the appointment, on 11 December 1839 he was named a member of the Legislative Council.<sup>22</sup> In his 1840 *Address to the Inhabitants of the District of Gore*, he stated that there were only two reasons that induced him finally to accept the position:

The first [reason] was -- that seeing our Constitution and Government were about to pass away from us, I thought it dastardly in me not to record my testimony against it; and in the second place . . . the laws relating to, and authorising the raising and collection of the internal revenue, had become totally inefficient for the purposes intended; and although I had stated the case at full length to the Government at the previous session . . . I was led to believe that if I was present and exerted myself, I would be able to procure the revision of them.<sup>23</sup>

Willson joined the Council in time to make his views known on another important issue, namely the union of the provinces. He opposed the union



and voted accordingly. This action cost him reappointment to the Council after the declaration of the union was made on 10 February 1841.<sup>24</sup>

After 1841, John Willson retired from public life and returned to his farm in Saltfleet Township. He died there on 26 May 1860 at the age of 84.

### Notes

<sup>1</sup>J. K. Johnson, *Becoming Prominent: Regional Leadership in Upper Canada, 1792-1841* (Montreal: McGill-Queen's University Press, 1989), pp. 55, 236; and "John Willson," *Dictionary of Canadian Biography*, vol. 8 (Toronto: University of Toronto Press, 1985), p. 945.

<sup>2</sup>Johnson, *Becoming Prominent*, p. 236.

<sup>3</sup>*Ibid.*, p. 33.

<sup>4</sup>John Willson, *Address to the Inhabitants of the District of Gore* (Hamilton, Upper Canada: Rutheven's Book and Job Office, 1840), pp. 3-4, Manuscript Collection, Baldwin Room, Metropolitan Toronto Reference Library.

<sup>5</sup>*Ibid.*, p. 4.

<sup>6</sup>Richard Beasley and William Applegarth to William G. Hepburn, Returning Officer, letter, 11 April 1809, Public Archives of Canada (PAC). See also: Richard Hatt to William G. Hepburn, letter, 11 April 1809, PAC; Upper Canada, House of Assembly, "Journals of the House of Assembly," 2nd Session, 5th Parliament, in *Eighth Report of the Bureau of Archives for the Province of Ontario*, ed. Alexander Fraser (Toronto: L. K. Cameron, 1912), p. 362; Willson, *Address to the Inhabitants*, pp. 4-5; and *Dictionary of Canadian Biography*, vol. 8, p. 945.

<sup>7</sup>Upper Canada, House of Assembly, "Journals of the House of Assembly," 2nd Session, 5th Parliament, in *Eighth Report of the Bureau of Archives*, p. 284.

<sup>8</sup>Johnson, *Becoming Prominent*, p. 236.

<sup>9</sup>Upper Canada, House of Assembly, "Journals of the House of Assembly," 5th Session, 6th Parliament, in *Ninth Report of the Bureau of Archives for the Province of Ontario*, ed. Alexander Fraser (Toronto: L. K. Cameron, 1913), p. 122; and *Dictionary of Canadian Biography*, vol. 8, p. 945.

<sup>10</sup>Upper Canada, House of Assembly, "Journals of the House of Assembly," 5th Session, 6th Parliament, in *Ninth Report*, pp. 171, 208, 209, 213, 220, 261, 264.

<sup>11</sup>Willson, *Address to the Inhabitants*, pp. 6-7.

<sup>12</sup>*Ibid.*, p. 11; and *Dictionary of Canadian Biography*, vol. 8, p. 945.

<sup>13</sup>Johnson, *Becoming Prominent*, p. 236.

<sup>14</sup>Upper Canada, House of Assembly, *Journals of the House of Assembly*, 2nd Session, 9th Parliament (York, Upper Canada: W. L. Mackenzie, 1826), pp. 12, 16, 20, 29, 32, 37, 53, 69, 72, 73, 74, 75, 86, 87-89, 91, 118; and *idem*, *Journals of the House of Assembly*, 3rd Session, 9th Parliament (York, Upper Canada: W. L. Mackenzie, 1828), pp. 25, 33, 34, 54, 69, 71, 85.

<sup>15</sup>*Ibid.*, pp. 98-99.

<sup>16</sup>Upper Canada, House of Assembly, *Journals of the House of Assembly*, 1st Session, 9th Parliament (York, Upper Canada: W. L. Mackenzie, 1825), pp. 63, 68, 70, 71; and *idem*, *Journals of the House of Assembly*, 2nd Session, 9th Parliament, p. 25.

<sup>17</sup>See: Edith G. Firth, ed., *The Town of York, 1815-1834* (Toronto: University of Toronto Press, 1966), pp. xxi, 15, 17-18, 20, 268; W. G. Cosbie, *The Toronto General Hospital, 1819-1965* (Toronto: Macmillan, 1975), p. 11; and C. K. Clarke, *A History of the Toronto General Hospital* (Toronto: William Briggs, 1913), pp. 37-41.

<sup>18</sup>Upper Canada, House of Assembly, *Journals of the House of Assembly*, 2nd Session, 9th Parliament, pp. 13, 14, 94, 96, 99, 104, 106.

<sup>19</sup>*Ibid.*, pp. 108, 113.



<sup>20</sup>Idem, *Journals of the House of Assembly*, 4th Session, 9th Parliament, pp. 116, 117, 130, 544.

<sup>21</sup>Frederick H. Armstrong, *Handbook of Upper Canadian Chronology and Territorial Legislation* (London, Ont.: Lawson Memorial Library, University of Western Ontario, 1967), p. 162; and Johnson, *Becoming Prominent*, pp. 236-237.

<sup>22</sup>Willson, *Address to the Inhabitants*, pp. 14-15; Armstrong, *Handbook of Upper Canadian Chronology*, p. 33; and Johnson, *Becoming Prominent*, pp. 40, 237.

<sup>23</sup>Willson, *Address to the Inhabitants*, p. 15.

<sup>24</sup>Ibid.; and *Dictionary of Canadian Biography*, vol. 8, p. 946.

*Marshall Spring Bidwell*



**Marshall Spring Bidwell**  
**1829–1830; 1835–1836**

*Portrait by Théophile Hamel*



## **MARSHALL SPRING BIDWELL**

Marshall Spring Bidwell was born in Stockbridge, Massachusetts on 16 February 1799. In 1811 his family emigrated to Upper Canada, settling at Bath near Kingston. Bidwell was educated both at local schools and by his father Barnabas Bidwell.<sup>1</sup> Unlike other men who were eventually to hold public office, the young Bidwell did not participate in any military capacity during the War of 1812 but rather continued to pursue his education.<sup>2</sup> In 1816 he became a student of law and, in the same year, articulated with Washburn and Hagerman in Kingston, where he then resided. In 1821 he was called to the Bar.<sup>3</sup>

During this same year, an incident occurred that was to set the tone of the younger Bidwell's early political career.<sup>4</sup> Before his emigration to Canada, Barnabas Bidwell had been a politician and had held both a seat in Congress and the office of Attorney General of Massachusetts.<sup>5</sup> In the 1821 by-election in Upper Canada, he was elected to the Assembly as member for the county of Lennox and Addington. His election was subsequently contested on grounds of an alleged misappropriation of public funds while he was treasurer of Berkshire County, Massachusetts. More importantly, it was argued that the elder Bidwell was a citizen of the United States who, as a member of the American Congress, had vowed to uphold the country's republican constitution and thus had abjured all allegiance to the British crown.<sup>6</sup> This "alien" question was vigorously and emotionally debated in the Assembly; ultimately, Barnabas' election was declared void and he was prevented from taking his seat in the House.<sup>7</sup>

In the 1822 by-election Marshall attempted to gain his father's lost seat. But, as in the case of his father, he was elected only to be declared ineligible to hold office due to his American allegiance. Prejudice against Bidwell was quick to surface in the course of the by-election and the events which followed it. During the course of the resulting by-election in 1823, votes cast in his favour were excluded from the count by the returning officer thus forcing the Legislative Assembly again to nullify the election. It was not until the general election of 1824 that votes for Bidwell were included in the final tally by the returning officer.<sup>8</sup> As a result, he was again elected to the Legislature. However, the act of being elected was not enough to send Bidwell to the House. A petition had to be received from the Colonial Office in London which formally established Bidwell's fulfilment of the residency requirement and his allegiance to the British crown. In addition, a statute prohibiting citizens of the United States from holding seats in the Upper

Canadian Assembly had to be repealed. Only after these steps had been taken was he welcomed into the House as Member for Lennox and Addington.<sup>9</sup> He held this seat for the next 12 years.

Once in the Legislature, Bidwell became a leading Reformer who frequently spoke out against the "Family Compact," a phrase he may be credited with creating. Although William Lyon Mackenzie is most often cited as originating this phrase in 1833, it can be shown that Bidwell employed it several years earlier in a letter to Dr. Warren Baldwin of 1828.<sup>10</sup> During the course of the eighth parliament, Bidwell took a lead in advocating the abolition of the law of primogeniture by introducing several bills which provided for the equal division of intestate estates. He supported the adoption of bills on issues including the abolition of imprisonment for debt and the broadening of laws governing the solemnization of marriage.<sup>11</sup> In 1828, he was appointed chairman of the Legislature's select committee charged with studying the extent of ecclesiastic domination (primarily Anglican) in Upper Canadian society. The report tabled by the committee identified the school system as an area that was labouring under a great deal of church influence and recommended the creation of an educational system free from religious distinctions. Bidwell, a Presbyterian, strongly supported such a view.<sup>12</sup>

The general election of 1829 returned Bidwell and a Reform majority to the Legislative Assembly. It was the first majority the Reformers had held since the creation of the House in 1792.<sup>13</sup> After the nomination of John Willson for the Speakership failed to gather support, Bidwell was nominated and duly elected to the Chair.<sup>14</sup> It was from this position in the Legislature that he led the Reform party until the dissolution of the House the following year.<sup>15</sup> Although restricted by the nature of the office of Speaker, he continued to support those causes which had demanded his attention during the previous Assembly.

This is not to suggest that during his term as Speaker Bidwell was able to concentrate solely on such matters. On the contrary, the controversy over Francis Collins demanded much of his attention during the 1829 session. Collins, the editor of the *York Canadian Freeman*, had been imprisoned for libel. This incident had sparked demonstrations including one in Hamilton in which the new Lieutenant-Governor, Sir John Colbourne, was hung in effigy. As a consequence, a legislative committee of enquiry was formed to investigate the incident. The committee heard from several witnesses including Allan Napier MacNab, then a prominent Hamilton lawyer. In the



course of the proceedings, MacNab refused to answer several of the committee's questions and was brought before the Bar of the House. Rather than apologize for his reticence, MacNab used the opportunity to speak out against the actions of the committee. Bidwell jailed MacNab for ten days citing "high contempt and breach of the privileges of the . . . House of Assembly" as reasons.<sup>16</sup>

The Member for Lennox and Addington was returned in 1830 but the Reform majority was not. Bidwell resumed his position as floor leader of the Reform party and continued to be an active member of the House. In 1831 and 1832 he spoke out against the expulsion of William Lyon Mackenzie; later, he succeeded in passing a bill concerning intestate estates; and, he introduced a bill advocating the sale of clergy reserves to finance a non-denominational education system of the type that had been advocated by the select committee he had chaired three years before.<sup>17</sup> It was also during this parliament that he took up the cause of representative government, becoming a supporter of greater popular input into government at both the levels of the Legislative Assembly and Legislative Council.<sup>18</sup>

Bidwell was elected to the 12th Legislative Assembly in January 1835 and was once again nominated for the Speakership. Although the Tories attempted to portray him as disloyal due to his associations with men such as the radical Mackenzie and his perceived pro-American bias, he was elected to the position, thus confirming the strength of the Reform faction in the House.<sup>19</sup> He held the position for 16 months, until the dissolution of the Assembly in April 1836. It was during Bidwell's term as Speaker that the new Lieutenant-Governor, Sir Francis Bond Head, arrived in Upper Canada. He had been sent by the Colonial Office specifically to deal with the grievances listed in *The Seventh Report of the Select Committee of the House of Assembly on Grievances*, chaired by William Lyon Mackenzie. The Report targeted specific problems in the administration of the province, particularly the issues of patronage and government salaries. The relationship between Bidwell and Head was, at best, strained.<sup>20</sup> Indeed, the Speaker of the House could not but fail to endear himself to the new Lieutenant-Governor when he informed him that several valid grievances had been omitted from the Report received by the Colonial Office and by fervently stressing that these omissions should also command the attention of the Lieutenant-Governor. Such action served only to deepen the distrust Head had for the Speaker, whom he considered to be a republican.<sup>21</sup>



While Bidwell was not elected to the Assembly in July of 1836, his departure from the political arena did little to change his relationship with the Lieutenant-Governor. In the fall of the same year, Head refused to appoint Bidwell to a seat on the Court of King's Bench despite both the overwhelming qualifications he possessed for the position and, more important, the endorsement of the Colonial Office.<sup>22</sup> It was not until after the Rebellion of 1837, however, that the tension between Bidwell and Head reached its peak. On 7 December 1837 a banner bearing the words "Bidwell and the Glorious Minority 1837, A Good Beginning" was found at Montgomery's tavern. The allegedly incriminating banner was seized and the incident related to the Lieutenant-Governor, who, despite Bidwell's protestations of innocence, refused to believe that the man who had once led the Reform party in the House was not involved in the events of 1837.<sup>23</sup> Head accused Bidwell of complicity with the rebels and strongly advocated that he leave the province. Although it was established that the banner had been simply an 1831 election banner converted for the occasion, Bidwell chose to return to New York.<sup>24</sup>

In New York, Marshall Spring Bidwell took up the practice of law and established himself as a specialist in civil cases. It was here that he died on 24 October 1872.

### Notes

<sup>1</sup>C. B. Sissons, "The Case of Bidwell: Correspondence Connected with the 'Withdrawal' of Marshall Spring Bidwell from Canada," *Canadian Historical Review* 27 (1946): 368; and Edward Floyd De Lancey, "Marshall S. Bidwell: A Memoir Historical and Biographical," *The New York Genealogical and Biographical Record* XXI:1 (January 1890): 1.

<sup>2</sup>J. K. Johnson, *Becoming Prominent: Regional Leadership in Upper Canada, 1791-1841* (Montreal: McGill-Queen's University Press, 1989), p. 78. Johnson notes that Bidwell is one of the few Members of the House of Assembly in the history of Upper Canada not to have a background of military/militia service. It was customary to perceive this type of service as a way of forming connections that might later aid in the pursuance of a political career.

<sup>3</sup>W. Stewart Wallace, *The Family Compact: A Chronicle of the Rebellion in Upper Canada* (Toronto: Glasgow, Brook & Company, 1922), p. 55; and De Lancey, "Marshall S. Bidwell," p. 1.

<sup>4</sup>For a more detailed discussion of the events surrounding the Bidwell elections and the "alien" question see: William Renwick Riddell, "The Bidwell Elections: A Political Episode in Upper Canada a Century Ago," *Ontario Historical Society Papers and Records* 21 (1924): 236-244; and David Mills, *The Idea of Loyalty in Upper Canada, 1784-1850* (Montreal: McGill-Queen's University Press, 1988), pp. 36-37.

<sup>5</sup>For a more detailed account of Barnabas Bidwell's political career, see: James E. Rea, "Barnabas Bidwell, a Note on the American Years," *Ontario History* 60, No. 2 (June 1968): 31-37.

<sup>6</sup>Riddell, "The Bidwell Elections," pp. 236-237.

<sup>7</sup>*Ibid.*, pp. 237-238; and Sissons, "The Case of Bidwell," p. 369.

<sup>8</sup>"Marshall Spring Bidwell," *Dictionary of Canadian Biography*, vol. 10 (Toronto: University of Toronto Press, 1972), p. 60.

<sup>9</sup>De Lancey, "Marshall S. Bidwell," pp. 3-4; Riddell, "The Bidwell Elections," pp. 238-239; and Mills, *The Idea of Loyalty*, pp. 36-37.

<sup>10</sup>This letter may be found in the collection of the Metropolitan Toronto Reference Library, Ms B104, p. 153, Manuscript Collection, Baldwin Room. [Noted in Wallace, *The Family Compact*, p. 3.]

<sup>11</sup>Walter S. Herrington, *History of the County of Lennox and Addington* (Toronto: Macmillan, 1913), p. 355; Gerald M. Craig, *Upper Canada: The Formative Years, 1784-1841* (Toronto: McClelland and Stewart, 1963), pp. 207-208; and *Dictionary of Canadian Biography*, vol. 10, pp. 60-61.

<sup>12</sup>Craig, *Upper Canada: The Formative Years*, p. 175; and Johnson, *Becoming Prominent*, p. 174.

<sup>13</sup>Wallace, *The Family Compact*, p. 67.

<sup>14</sup>Upper Canada, House of Assembly, *Journals of the House of Assembly*, 10th Parliament, 1st Session (Toronto: Francis Collins, 1829), pp. 4-5. The Journal reports only that Bidwell was elected Speaker; it does not give a breakdown of the vote.

<sup>15</sup>Ibid., p. 67; Craig, *Upper Canada: The Formative Years*, p. 117; and Donald Beer, *Sir Allan Napier MacNab* (Hamilton: The Dictionary of Hamilton Biography, 1984), p. 26.

<sup>16</sup>Upper Canada, House of Assembly, *Journals of the House of Assembly*, 10th Parliament, 1st Session, pp. 36, 47.

<sup>17</sup>Beer, *Sir Allan Napier MacNab*, p. 37; and *Dictionary of Canadian Biography*, vol. 10, p. 61.

<sup>18</sup>See: *Brockville Recorder*, 4 April 1834; *Canadian Correspondent*, 23 August 1834; and *The Advocate*, 25 September 1834. [Noted in Mills, *The Idea of Loyalty in Upper Canada*, pp. 99, 104.]

<sup>19</sup>Upper Canada, House of Assembly, *Journals of the House of Assembly*, 12th Parliament, 1st Session (Toronto: M. Reynolds, 1835), p. 14.; and Craig, *Upper Canada: The Formative Years*, p. 221.

<sup>20</sup>For a more detailed discussion of these issues see: Upper Canada, House of Assembly, *The Seventh Report of the Select Committee of the House of Assembly on Grievances*, William Lyon Mackenzie, Chairman, Archives of Ontario.

<sup>21</sup>Craig, *Upper Canada: The Formative Years*, p. 233.

<sup>22</sup>De Lancey, "Marshall S. Bidwell," p. 5; and Wallace, *The Family Compact*, p. 113.

<sup>23</sup>Wallace, *The Family Compact*, pp. 155-156; Herrington, *History of the County of Lennox and Addington*, p. 355; and De Lancey, "Marshall S. Bidwell," pp. 5-6.

<sup>24</sup>Marshall Spring Bidwell (MSB) to Sir Francis Bond Head, letter, 8 December 1837; MSB to Henry Cassady, letters, 9 December 1837, 27 December 1837, 4 January 1838 and 31 January 1838, Marshall Spring



Bidwell Papers, Archives of Ontario; and Sissons, "The Case of Bidwell," pp. 371-372.

*Archibald McLean*



**Archibald McLean**  
**1831-1834; 1836-1837**  
*Portrait by Théophile Hamel*



## **ARCHIBALD McLEAN**

Archibald McLean was born in St. Andrews in the Lunenburg District of Quebec on 5 April 1791. He was the second son of the Hon. Neil McLean who had held several prominent civil offices including that of Sheriff, a seat on the surrogate court (1821-1832), and membership in the Legislative Council.<sup>1</sup> The McLean family was influential in the society and politics of the Eastern District. As befitted a young member of the Family Compact, McLean was educated at Bishop Strachan's District School in Cornwall. In 1809, he undertook the study of law and entered the offices of William Firth, then Attorney General of Upper Canada.<sup>2</sup> His legal studies were interrupted when, at the outbreak of war in 1812, he joined the provincial militia. In fact, he recruited and commanded a company of incorporated militia on the Niagara Frontier for the greater part of the conflict. On 18 May 1812, he was commissioned as a captain in the Third Regiment of the York Militia. McLean was present at the [Battle of] Queenston Heights (13 October 1812) and was seriously wounded. Due to medical complications, his recuperation took more than 20 months. Still, McLean did manage eventually to return to active duty and to take part in the Battle of Lundy's Lane (25 July 1814). Here he was taken prisoner by the Americans and remained as such until the end of the aggressions several months later.<sup>3</sup>

With the end of the war, McLean again focused attention on his education and returned to Toronto to article with William Warren Baldwin. In 1815, he was called to the Bar; a year later he relocated to Cornwall and established his own legal practice.<sup>4</sup> It was also at this time that McLean began a career in civil offices. Indeed, between his arrival in Cornwall in 1816 and his election to the Legislative Assembly four years later, he held a variety of administrative posts. In 1817 alone, he received no fewer than three different appointments: Clerk of the Peace for the Eastern District in January, Registrar for the counties of Stormont and Dundas in February and Registrar for the Surrogate Court of the Eastern District in April. He held all three of these offices until 1837.<sup>5</sup>

In 1820 he was elected to the eighth legislature of Upper Canada as the representative for the county of Stormont. He served in this capacity in the following five Assemblies. Over this period he became a leading Tory and was greatly involved with the work of the House. Although considered a member of the Family Compact, perhaps his strongest efforts in and out of the Assembly were his attempts to acquire equal recognition of the rights of the Presbyterian Church, of which he was a member. Indeed, even after his

retirement from the House in 1837, McLean was still actively campaigning for a successful resolution to this issue.<sup>6</sup>

On the death of George III in 1830, the Upper Canadian Assembly was dissolved. In the resulting election, McLean returned to the House as the member for Stormont. On 7 January 1831, he was elected to the Speakership. During the course of the 11th Parliament, he presided over debates which encompassed a wide range of issues. For example, during the 1831 session the Assembly focused on issues including the abolishment of imprisonment for debt, the distribution of intestate estates, the development of the Welland Canal and the appointments to and the powers of the Legislative Council, to name but a few.<sup>7</sup> Later sessions heard the discussion of equally relevant and important issues such as the prevention of infanticide, the definition and scope of individual judicial powers and even the amendment of the House rules of procedure.<sup>8</sup> In addition to keeping order during the regular course of business, Speaker McLean was forced to break a deadlock regarding the passage of an amendment to the libel law. He did so by voting against the motion.<sup>9</sup> Nevertheless, it was not these daily exercises of parliamentary procedure that marked McLean's first tenure as Speaker.

Perhaps the most well-known incident of his initial term as Speaker is the controversy surrounding the libel charges which were brought against William Lyon Mackenzie in the session of 1832. On 6 January an article entitled "Articles of Impeachment" was brought to the attention of the House by G. S. Boulton, then Attorney General. This article, which had been authored by MacKenzie and published in the *Colonial Advocate*, listed a multitude of accusations against the Lieutenant-Governor and his advisors. Included in the catalogue of charges were allegations which encompassed several aspects of Upper Canadian life and politics: the government's intimidation and disregard of non-Anglican religious sects government's "tampering with the privileges of the people in the Commons House of Assembly" by allowing civil officials such as tax collectors, postmasters, inspectors and clerks of the peace to become members of the Assembly and thus neglect their duties to the province; the misuse of government funds to provide pensions for "useless, idle or unworthy persons"; and the acceptance and the continued existence of plurality of office. Boulton put forth that the allegations contained in the article were libellous. MacKenzie was allowed to defend his actions in the House but to no avail. He was expelled from the House by a close vote of 27 to 19.<sup>10</sup>



McLean returned to the House in 1835. Although he was not elected to the Chair, he continued to be active in the business of the Assembly and the administration of the province. Early in 1836, he garnered an important government appointment: on 23 January he was made a member of the Legislative Council.<sup>11</sup> Shortly thereafter, he became involved with the House's investigation into the alleged unconstitutional actions of the Executive Council. He became concerned that this action, which ultimately sparked the resignation of the entire Council, would quickly lead the province towards rebellion and separation from England. In a letter dated 21 March 1836, he expressed shock and outrage at these proceedings:

It is rather singular that it should have been reserved for the new Members [of the House] . . . to discover that the practice which has prevailed for 44 years has been an *unconstitutional* abridgement of the *Rights* of the Council. The whole proceeding seems to have been planned and carried into effect with a view to deprive the Gov[erno]r of the power of acting under the instructions of the Colonial Office and thus hastening the separation from the Mother Country.<sup>12</sup>

In addition to his work in the House, he remained active in those civil offices he had acquired early in his career. In fact, the *Brockville Recorder* for 12 June 1835 details this administrative activity by way of listing the salaries he received from each post in the previous year. In addition to the £200 salary he had been awarded as the Speaker of the House, McLean earned over £300 in income from his duties as Clerk of the Peace (Eastern District), and Registrar for Stormont and Dundas counties as well as the Surrogate Court.<sup>13</sup> Furthermore, he had continued his law practice and took on several students, including the future first Premier of Ontario, John Sandfield Macdonald.<sup>14</sup>

In 1836, McLean was elected to the House for a fourth term. His return to the Speakership, however, was less straightforward. On his return to the Assembly he found Allan Napier MacNab was openly campaigning for the position. McLean's supporters were left with little choice but to mount a counter-campaign. MacNab's efforts were unsuccessful and McLean was once again chosen Speaker, this time by a vote of 36 to 21.<sup>15</sup> He held the



Chair until March 1837. Although his second term as Speaker was shorter than his first, he still presided over a great many interesting debates. A bill to abolish imprisonment for debt was brought forward as were others pertaining to the sale of the clergy reserves, the appropriation of funds in support of 'common schools,' the establishment of "certain rights and privileges within the Province for aliens and foreigners," and the publication of the decisions of the Court of King's Bench.<sup>16</sup>

Perhaps the most interesting event of McLean's second term as Speaker occurred on 25 November 1836. On this date, the House passed several resolutions regarding the placement of the 1791 boundary established between Upper and Lower Canada. The first resolution stated that the implementation of the existing boundary had been

ill advised, and shews a want of knowledge of the geography of this country, inasmuch as it not only passed a Boundary suggested by Nature but overlooked the probable future increase of population, commerce, wealth and importance [of Upper Canada].<sup>17</sup>

All of the resolutions were concerned with the perceived advantages reaped by Lower Canada due to the placement of the boundary. It was suggested that the existing boundary placed the inhabitants of Upper Canada under "great disadvantages which bear with unjust severity on their trade and intercourse" as taxes, duties and other levies placed on ships, goods and individuals passing through Lower Canadian waters inhibited and discouraged trade and settlement.<sup>18</sup> The House claimed that the boundary

renders the Legislature of this Province powerless -- it is vain to appoint Finance Committees to raise ways and means, or attempt any improvement on which they are to rely either on duties or any indirect tax from a sea-port.<sup>19</sup>

Other than the tabling of these resolutions, the Assembly took no definite political action. Indeed, the House proceeded to discuss the possibilities of union with Lower Canada several months later.<sup>20</sup>

McLean's political career came to an end on 23 March 1837, when he was made a puisne, or associate judge, on the Court of King's Bench, Western Circuit. He held this position until 1849.<sup>21</sup> This was only the first of many judicial appointments: in 1850, he was made a judge of the Court of Common Pleas;<sup>22</sup> six years later, he was once again assigned to the Court of Queen's Bench, this time as a senior judge.<sup>23</sup>

During his years in this court, perhaps one of the most famous cases involves the November 1860 extradition trial of an escaped Missouri slave, John Anderson.<sup>24</sup> McLean, a fervent abolitionist and one of three presiding judges, brought his opinion to bear during the trial. Anderson admitted that while fleeing Missouri and slavery, he stabbed a white man. Although living in Brantford at the time of his admission, a Missouri court indicted him on the charge of murder and formally requested his extradition from the Upper Canadian government. He was arrested and detained until a decision regarding procedure could be made. Defence counsel argued that as no man had the authority to enslave another, it was the planter's actions -- not those of Anderson -- which were illegal. Ultimately, the court decided that Missouri law, which allowed for the pursuance of escaped slaves, and not Upper Canadian law, had to be honoured in this case and that extradition could be granted. McLean provided the lone dissenting vote. In his judgement, he argued that

the oppressive slave laws of Missouri should never be cited in Canada in order to return a man to bondage. . . . Anderson's act was justified 'by the desire to be free which nature has implanted in his breast.'<sup>25</sup>

Despite McLean's objections, however, the extradition was carried out.

McLean became Chief Justice of the Court of Queen's Bench in 1862. He held this appointment for three years.<sup>26</sup> In 1863, his former student and then government leader John Sandfield Macdonald appointed him to the post of presiding judge of the Court of Error and Appeal.<sup>27</sup> This would be the last judicial appointment in a long and distinguished legal career. Archibald McLean died in Toronto on 24 October 1865.

## Notes

<sup>1</sup>J. K. Johnson, *Becoming Prominent: Regional Leadership in Upper Canada, 1791-1841* (Montreal: McGill-Queen's University Press, 1989), pp. 94, 211; Frederick H. Armstrong, *Handbook of Upper Canadian Chronology and Territorial Legislation* (London, Ont.: Lawson Memorial Library, University of Western Ontario, 1967), p. 32; and John Graham Harkness, *Stormont, Dundas and Glengarry: A History, 1784-1945* (Ottawa: Mutual Press, 1946), pp. 146, 419.

<sup>2</sup>Harkness, *Stormont, Dundas and Glengarry*, p. 146; Bruce W. Hodgins, "John Sandfield Macdonald," in *The Pre-Confederation Premiers: Ontario Government Leaders, 1841-1867*, ed. J. M. S. Careless, Ontario Historical Studies Series (Toronto and Buffalo: University of Toronto Press, 1980), p. 248; and Johnson, *Becoming Prominent*, p. 94.

<sup>3</sup>Johnson, *Becoming Prominent*, pp. 73, 211; Harkness, *Stormont, Dundas and Glengarry*, pp. 146, 149; and "Archibald McLean," *Dictionary of Canadian Biography*, vol. 9 (Toronto: University of Toronto Press, 1976), p. 512.

<sup>4</sup>Harkness, *Stormont, Dundas and Glengarry*, p. 149.

<sup>5</sup>*The York Almanac and Royal Calendar of Upper Canada for the Year 1825* (York: Charles Fothergill, 1825), pp. 119, 120; Armstrong, *Handbook of Upper Canadian Chronology*, p. 59; and Johnson, *Becoming Prominent*, p. 212.

<sup>6</sup>Archibald McLean, letter, 7 November 1838, Manuscript Collection, Baldwin Room, Metropolitan Toronto Reference Library (MTRL).

<sup>7</sup>Upper Canada, House of Assembly, *Journals of the House of Assembly*, 1st Session, 11th Parliament (York: John Carey, 1831), pp. 6, 9, 26, 78.

<sup>8</sup>Idem, *Journals of the House of Assembly*, 2nd Session, 11th Parliament (York: Robert Stanton, 1832), pp. 21, 20, 29.

<sup>9</sup>See: Ibid., p. 21.



<sup>10</sup>See: Ibid., pp. 77-82, 84; and idem, *Journals of the House of Assembly*, 3rd Session, 11th Parliament (York: Robert Stanton, 1834), pp. 95-98.

<sup>11</sup>Armstrong, *Handbook of Upper Canadian Chronology*, p. 20.

<sup>12</sup>John Pringle to Archibald McLean, letter, 21 March 1836, Archibald McLean Papers, Manuscript Collection, Archives of the Province of Ontario.

<sup>13</sup>The Speaker's salary is given in Halifax currency. See: Johnson, *Becoming Prominent*, p. 19.

<sup>14</sup>Bruce W. Hodgins, *John Sandfield Macdonald: 1812-1872*, Canadian Biographical Studies (Toronto: University of Toronto Press, 1971), p. 8.

<sup>15</sup>Upper Canada, House of Assembly, *Journals of the House of Assembly*, 1st Session, 13th Parliament (Toronto: Robert Stanton, 1837), p. 14; and Donald Beer, *Sir Allan Napier MacNab* (Hamilton, Ont.: The Dictionary of Hamilton Biography, 1984), pp. 110-111.

<sup>16</sup>Ibid., pp. 15, 18, 67, 69, 74, 85, 116, 237, 257.

<sup>17</sup>Ibid., p. 117.

<sup>18</sup>See: Ibid., 2nd, 3rd, 4th and 5th Resolutions, pp. 117-118.

<sup>19</sup>Ibid., 10th Resolution, p. 120.

<sup>20</sup>See: Ibid., pp. 130, 617, 620, 624.

<sup>21</sup>J. Rordans, ed., *The Upper Canada Law Directory for 1857* (Toronto: Henry Rowsell, 1856), p. 1; Johnson, *Becoming Prominent*, p. 212; Harkness, *Stormont, Dundas and Glengarry*, p. 149; and Armstrong, *Handbook of Upper Canadian Chronology*, p. 110.

<sup>22</sup>W. H. Draper to Robert Baldwin, letter, 19 January 1850, Robert Baldwin Papers, Manuscript Collection, Baldwin Room, MTRL.

<sup>23</sup>John A. Macdonald to Archibald McLean, letter, quoted in *The Papers of the Prime Ministers*, vol I: The Letters of Sir John A. Macdonald, 1836-1857, ed. J. K. Johnson (Ottawa: Public Archives of Canada, 1968), pp. 342-343; J. Rordans, ed., *The Upper Canada Law List for 1860-1861*

(Toronto: Maclear & Co., 1860), p. 14; and Harkness, *Stormont, Dundas and Glengarry*, p. 149.

<sup>24</sup>See: Patrick Brode, *Sir John Beverley Robinson: Bone and Sinew of the Compact* (Toronto: The Osgoode Society, 1984), pp. 264-267.

<sup>25</sup>*Ibid.*, p. 266.

<sup>26</sup>J. O. Côté, *Political Appointments and Elections in the Province of Canada, 1841-1860* (Québec: St. Michel & Darveau, 1860), p. 22.

<sup>27</sup>Rordans, *The Upper Canada Law List for 1860-1861*, p. 13; Harkness, *Stormont, Dundas and Glengarry*, p. 149; *Dictionary of Canadian Biography*, vol. 9, p. 513; and Hodgins, *John Sandfield Macdonald*, p. 46.

*Allan Napier MacNab*



**Allan Napier MacNab**  
**1837; 1838-1840**  
*Portrait by Théophile Hamel*



## ALLAN NAPIER MacNAB

The man who was to have the distinction of serving as Speaker for both the Legislative Assemblies of Upper Canada (1837-1840) and the United Province of Canada (1844-1847) was born on 19 February 1798 at Newark, Upper Canada. The son of a United Empire Loyalist militia officer, Allan Napier MacNab's youth was taken up with instruction at Reverend Strachan's Home District School and active duty in both army and naval units during the War of 1812. Although MacNab would always maintain strong ties to the militia, he ended his full-time military career in 1816 and enrolled as a student of law.<sup>1</sup> While it has been suggested that MacNab's interest in the study of law came more from his desire to advance within the government service than from a love of jurisprudence, he pursued his legal studies and was called to the Bar in 1826.<sup>2</sup> A decade later, this prominent Hamilton lawyer was to become the first Queen's Counsel appointed in the province. It was in a legal capacity that, in 1829, MacNab became involved in an incident that would launch his political career.

On 29 January 1829 in Hamilton, demonstrators hung an effigy of the new Lieutenant-Governor, Sir John Colbourne, in reaction to the imprisonment of Francis Collins, editor of the *York Canadian Freeman*. Although a minor and isolated incident, the members of the House of Assembly for Wentworth (George Hamilton and John Willson) pressed the Legislature to form a committee of inquiry to investigate the incident.<sup>3</sup> Due to his prominence in the Gore District, MacNab was called before this committee and, during his initial questioning, answered most of the committee's questions regarding public opinion and the circumstances that had given rise to the event.<sup>4</sup> Why MacNab refused to answer the committee's questions when he was called before the inquiry five days later can only be speculated upon. One possibility is that MacNab refused to answer because of his own clients had been involved in the mock hanging. In *To the Inhabitants of the Gore District*, a pamphlet he later wrote in his own defence, he states that he refused to answer the inquiries as the committee wished to force him into "discussion of doubtful and disreputable subjects resting upon mere conjecture or opinion" rather than to elicit any useful information from him.<sup>5</sup> In any event, his conduct did not please the committee and, on 16 February, he was called before the Bar of the House to account for his actions. Rather than apologize for his reticence (and thus escape with only a reprimand from the Speaker), MacNab used the opportunity to speak against the actions of the committee.<sup>6</sup> As a consequence, he was jailed 10 days for "breach of the privileges of the House."<sup>7</sup> While such notoriety might have dashed the

political aspirations of other men, MacNab used the incident to his advantage and the following year was elected to the House of Assembly as the representative for the county of Wentworth.

During the course of his political career, MacNab gained a reputation for espousing the conservative and sometimes aristocratic views of the Family Compact. Although it has been proposed that his support of these views was due more to ambition than to natural inclination, his political and social views seem to be "the legitimate result of his training and associations"<sup>8</sup> rather than convenient affectations. These views often manifested themselves in his actions in the House. For example, during the 1830s MacNab continued his on-going feud with the leader of the Reformers, William Lyon Mackenzie. During the 1831 and 1832 session, he took a leading role in the events which led to Mackenzie's expulsion from the House.<sup>9</sup> Of course, MacNab had other outlets for his political and social views: in 1834, he led a deputation of 1,000 freeholders to Toronto to express their loyalty and devotion to the Crown.<sup>10</sup>

MacNab was also a prominent businessman. During the 1830s he embarked on several types of business ventures: he published the *Hamilton Western Mercury* (1831-1832); engaged in land speculation and real estate; and participated in several joint-stock corporations such as the Grand River Navigation Company and the Desjardin Canal Company.<sup>11</sup> At times, his politics and business interests merged; in 1836, he successfully lobbied Sir Francis Bond Head to rescind the appointment of Captain J. S. Macaulay to the position of Surveyor General. He also pressed the government to abandon its policy regarding the sale of land by auction and establish a system based on payment of a uniform price per acre.<sup>12</sup> However, MacNab's political interests did not lie solely in developing land. During a brief term as Clerk of Journals of the Assembly and as Sergeant-at-Arms (in place of his father),<sup>13</sup> he had gained a first-hand knowledge of the prestige and honour associated with the offices of the House. Under such circumstances it is not surprising that MacNab sought the Office of Speaker of the House in 1836.

Although becoming Speaker would diminish his ability to voice his opinions, MacNab actively campaigned for the office. His personal popularity, ardent defence of privileges of the House and support of economic development in the province were the reasons most often cited in support of his candidacy. Interestingly, even some Reformers supported MacNab. In contrast, those who supported his opponent, Archibald McLean, suggested that MacNab's



knowledge of parliamentary procedure was inadequate and that, should the need arise, he might be unable to call upon the one virtue needed by any Speaker -- impartiality.<sup>14</sup> While his campaign was ultimately unsuccessful, no doubt remained that he had become the obvious "heir apparent" to McLean. Thus, when McLean resigned the Speakership to take a seat on the Court of King's Bench on 19 June 1837, MacNab was elected to the office. This time there was only one dissenting vote.<sup>15</sup>

MacNab's term as Speaker of the House of Assembly of Upper Canada was, in fact, composed of two periods: 19 June 1837 to 28 December 1837, and 24 January 1838 to 10 February 1840. From December 1837 until his return to the House, he was on active duty commanding the provincial militia during the Rebellion of 1837. In this capacity Colonel MacNab was involved in several of the more noteworthy events of the rebellion. Perhaps the best example concerns the American steamer *Caroline*. It was on his orders that the *Caroline* was captured, burned and then scuttled. The steamer had allegedly been ferrying men and arms to a provisional camp on the United States border from which raids could be made on Upper Canada.<sup>16</sup> MacNab's loyalty and zeal in the defence of the government of Upper Canada did not go unnoticed and several years later he was created a baronet for his part in the suppression of the rebellion.<sup>17</sup>

Fortunately, he did not have to use such drastic measures upon his return to the House. In the course of proceedings, MacNab quickly put to rest many of the concerns his opponents had expressed concerning his suitability for the Speakership. Although gaining influence and importance among the Conservatives, he refrained from involving himself in party tactics and, despite a great knowledge of many of the subjects discussed, he curtailed his participation in the debates of the House.<sup>18</sup>

In the few sessions that remained of the 13th parliament, the members turned their attention to non-military matters. The question of the appropriation and the sale of clergy reserves was debated.<sup>19</sup> In addition, members considered and passed a bill to establish a College of Physicians and Surgeons for Upper Canada.<sup>20</sup> The union of the provinces of Upper and Lower Canada also received some attention during MacNab's first term as Speaker. The Journals for the fourth and fifth sessions of the 13th parliament show that members considered the advantages and the possible disadvantages of union. Indeed, their ideas and concerns can be found in the many individual and collective addresses and the committee reports made on the subject during this period.<sup>21</sup> It was also during the fifth session that the House considered



a petition requesting the repeal of the ninth clause of the Great Western Railway's act of incorporation. A petition such as this would not have merited special attention were it not for the fact that the Assembly's Speaker was one of the petition's 43 signatories.<sup>22</sup>

The *Union Act* (23 July 1840) had united Upper and Lower Canada, producing an Assembly whose members were divided along English and French lines.<sup>23</sup> MacNab, elected as the representative for Wentworth in the new union parliament, returned to the House in 1841 and was nominated for the Speakership.<sup>24</sup> He withdrew his candidacy however, after several Reformers questioned not only his ability to speak French but also the political 'correctness' of electing an Upper Canadian Loyalist such as MacNab to the office.<sup>25</sup> While similar concerns regarding the appropriateness of his candidacy surfaced in 1844, he refused to withdraw. This time MacNab weathered the divisions within the House and campaigned for the office. Tory newspapers published articles in support of his candidacy which suggested that his election to the Chair could lessen the perceived French Canadian influence in the Chamber.<sup>26</sup> Thus, it was in an atmosphere of political and provincial distrust and division that MacNab was elected to the Speaker's chair for a second time. He defeated his opponent, August-Norbert Morin, by a narrow, three-vote margin.<sup>27</sup>

MacNab's term as Speaker for the Legislative Assembly of the United Province of Canada was marked by political, cultural and linguistic divisions. During the opening days of the session, several Reformers attempted to place MacNab in a difficult position by demanding that House business be repeated in French. Rather than apologizing for his linguistic inabilities, he noted "that it was neither the custom nor a rule of the House" that French be used. However, he did assent to the translation and reading of House business into French by one of the clerks.<sup>28</sup> This did not settle the language issue, however, and several months later it resurfaced. On 17 February 1845, the movement of a resolution in French met with objection from the Hon. Henry Sherwood which, in turn, provoked intense and often emotional debate over the use of French in the Assembly. Speaker MacNab was asked to rule on the question of the use of English as the dominant language of the legislature. His deliberation was complicated by the fact that although the House had already passed an address seeking the repeal of the 41st clause of the *Union Act* (which established English as the dominant language of the House), the clause had not been repealed.<sup>29</sup> While the most diplomatic course would have been for MacNab to rule in favour of the use of French, he ruled that since the clause established that proceedings of the House must be in English,

motions, as part of the proceedings, could not be received in French alone.<sup>30</sup> The Speaker's decision was barely upheld by the House in a 31 to 30 vote.

MacNab's second term in the Chair involved more than the question of language. In his capacity as Speaker, MacNab unsuccessfully attempted to reform the procedure relating to private bills, he instigated the indexing of the Journals of both Upper and Lower Canada, and he augmented the parliamentary library's holdings in the areas of American history and French literature.

MacNab again won a seat in the House in 1848 and, although nominated, was not elected to the office of Speaker.<sup>31</sup> Still, his remaining years in politics were by no means uneventful. By 1854, he had joined forces with his one-time opponent Morin to create the first Liberal-Conservative coalition government in the province's short history. As the leader of the coalition government, MacNab was the Premier of Canada from 1854 until 1856.<sup>32</sup> MacNab resigned his seat in the Assembly in October of 1857 due to failing health. In 1860, after an absence of almost three years, he was elected to the Legislative Council. In that same year, he was made an honorary Aide de Camp to Queen Victoria. In 1862, the man who had served as Speaker for two different Assemblies was elected Speaker of the Legislative Council. Once again, however, his health deteriorated and he returned to his Hamilton home, Dundurn Castle. It was here that he died on 8 August 1862 at the age of 64.

### Notes

<sup>1</sup>Donald Beer, *Sir Allan Napier MacNab* (Hamilton: The Dictionary of Hamilton Biography, 1984), pp. 7-9.

<sup>2</sup>"Barristers' Roll," *The Upper Canadian Law Directory for 1857*, ed. J. Rordans (Toronto: Henry Rowsell, 1856), p. 57, Law Society of Upper Canada Archives; and Beer, *Sir Allan Napier MacNab*, p. 9.

<sup>3</sup>See: Upper Canada, House of Assembly, "Report on the Petition of Francis Collins," *Appendix to the Journal and Proceedings of the House of Assembly*, 1st Session, 10th Parliament (York, Upper Canada: Francis Collins, 1829), pp. 22-28.

<sup>4</sup>Allan Napier MacNab, *To the Inhabitants of the Gore District*, Pamphlet, York Jail, 24 February 1829, pp. 2-3, Metropolitan Toronto Reference Library.

<sup>5</sup>Ibid., p. 4. See also: Titus Simons to Allan Napier MacNab, letter, 22 February 1829; George Gurnett to Allan Napier MacNab 24 February 1829 and 3 March 1829; Allan Napier MacNab to unspecified persons, letter, April 1829, Allan Napier MacNab Papers, Archives of Ontario.

<sup>6</sup>For the full text of MacNab's speech to the House, see *To the Inhabitants of the Gore District*, pp. 5-6.

<sup>7</sup>J. C. Dent, *The Last Forty Years: The Union of 1841 to Confederation*, 2 vols., Carleton Library Series (Toronto: George Virtue, 1881; reprint, Toronto: McClelland and Stewart, 1972), p. 41; and W. Stewart Wallace, *The Family Compact: A Chronicle of the Rebellion in Upper Canada* (Toronto: Glasgow, Brook and Co., 1915), pp. 68-69.

<sup>8</sup>Dent, *The Last Forty Years*, p. 41; and Beer, *Sir Allan Napier MacNab*, p. 21.

<sup>9</sup>Upper Canada, House of Assembly, *Journals of the House of Assembly*, 2nd Session, 11th Parliament (York: Robert Stanton, 1832), pp. 38-39, 84; and Donald R. Beer, "Sir Allan MacNab and the Russell-Sydenham Regime," *Ontario History* 66, No. 1 (March 1974): 37.

<sup>10</sup>Donald Beer, "The Political Career of Allan Napier MacNab" (Master's thesis: Queen's University, 1963), p. 29.

<sup>11</sup>J. K. Johnson, *Becoming Prominent: Regional Leadership in Upper Canada, 1791-1841* (Montreal: McGill-Queen's University Press, 1989), pp. 24-5, 58; and Beer, *Sir Allan Napier MacNab*, p. 17.

<sup>12</sup>Beer, *Sir Allan Napier MacNab*, pp. 95-96.

<sup>13</sup>Ibid., p. 9.

<sup>14</sup>Ibid., pp. 110-111.



<sup>15</sup>The dissenting member was David Gibson, York, First Riding. Ibid., p. 126; and Upper Canada, House of Assembly, *Journals of the House of Assembly*, 2nd Session, 13th Parliament (Toronto: Robert Stanton, 1837), pp. 1-2.

<sup>16</sup>See: Gerald M. Craig, *Upper Canada: The Formative Years*, The Canadian Centenary Series (Toronto: McClelland and Stewart, 1963), pp. 241-250. For a description of the events leading to the sinking of the *Caroline*, see: ibid., pp. 248-250.

<sup>17</sup>The title was not hereditary. "The Life of Sir Allan Napier MacNab," in *Whence Come We? Freemasonry in Ontario, 1764-1980*, ed. Wallace McLeod (Hamilton, Ont.: The Office of the Grand Secretary, 1980), p. 60; and "Allan Napier MacNab," in *Macmillan Dictionary of Canadian Biography* (Toronto: Macmillan, 1963), p. 483.

<sup>18</sup>Beer, *Sir Allan Napier MacNab*, p. 126.

<sup>19</sup>Upper Canada, House of Assembly, *Journals of the House of Assembly*, 4th Session, 13th Parliament (Toronto: James Clelland, 1839), pp. 34, 56, 80, 103, 110, 115, 172, 193, 344, 352, 354, 369-371; and idem, *Journals of the House of Assembly*, 5th Session, 13th Parliament (Toronto: Hugh Scobie, 1840), pp. 32, 36, 39, 43, 121, 153, 155, 159, 164, 168, 172, 175, 204, 211, 224.

<sup>20</sup>Idem, *Journals of the House of Assembly*, 4th Session, 13th Parliament, pp. 55, 62, 67-68, 69, 160, 180, 209, 254, 255, 265, 386.

<sup>21</sup>Ibid., p. 95; and idem, *Journals of the House of Assembly*, 5th Session, 13th Parliament, pp. 62, 82, 94, 117, 119, 159, 161, 163.

<sup>22</sup>Idem, *Journals of the House of Assembly*, 5th Session, 13th Parliament, pp. 82, 97, 108.

<sup>23</sup>See: *The Union Act, 1840* (U.K.), 3-4 Vic., c. 35.

<sup>24</sup>For a more detailed discussion of MacNab's 1840 election campaign, see: Beer, "Sir Allan MacNab and the Russell-Sydenham Regime," pp. 41-43.

<sup>25</sup>Beer, "The Political Career of Allan Napier MacNab", pp. 90-92.

<sup>26</sup>Jacques Monet, *The Last Canon Shot: A Study of French Canadian Nationalism, 1837-1850* (Toronto: University of Toronto Press, 1969), p. 198.

<sup>27</sup>MacNab won the vote 39 to 36. All the French Canadian votes went to Morin. See: Province of Canada, Legislative Assembly, *Journals of the Legislative Assembly of Canada*, vol. 5, 1st Session, 2nd Parliament (Montreal: Rollo Campbell, 1845), pp. 1-2; J. M. S. Careless, *The Union of the Canadas: The Growth of Canadian Institutions, 1841-1857*, Canadian Centenary Series (Toronto: McClelland and Stewart, 1967), p. 97; Paul G. Cornell, *The Alignment of Political Groups in Canada, 1841-1867* (Toronto: University of Toronto Press, 1962), p. 17; Robert Rumilly, *Histoire de Montréal*, vol. 2 (Montréal: Éditions fides, 1970), pp. 296, 314; and Beer, "Sir Allan MacNab and the Russell-Sydenham Regime," p. 45.

<sup>28</sup>Beer, *Sir Allan Napier MacNab*, p. 192.

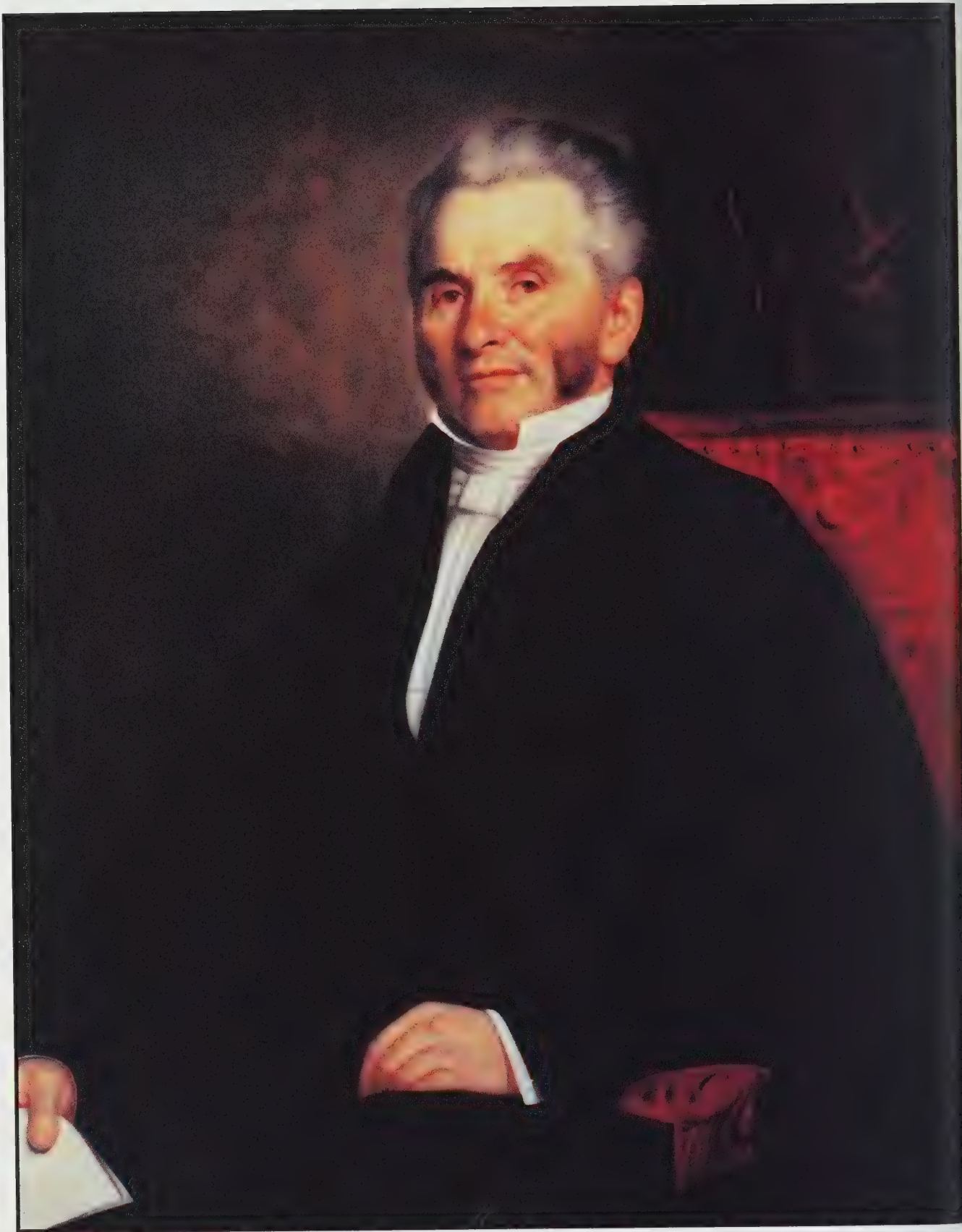
<sup>29</sup>The repeal would not occur until three years later. See: *The Union Act Amendment Act, 1848*, 11 & 12 Vic., c. 56, Document clxxiii in *Documents of the Canadian Constitution, 1759-1915*, ed. W. P. M. Kennedy (Toronto: University of Toronto Press, 1918), pp. 591-592.

<sup>30</sup>Beer, *Sir Allan Napier MacNab*, pp. 192-3; and Monet, *The Last Canon Shot*, p. 201.

<sup>31</sup>Province of Canada, Legislative Assembly, *Journals of the Legislative Assembly*, vol. 7, 1st Session, 3rd Parliament (Montreal: Rollo Campbell, 1848), pp. 1-2; Beer, "The Political Career of Allan Napier MacNab," pp. 173-174; Dent, *The Last Forty Years*, p. 182; and Cornell, *The Alignment of Political Groups*, p. 25.

<sup>32</sup>Cornell, *The Alignment of Political Groups*, pp. 39, 75; Rumilly, *Histoire de Montréal*, p. 348; J. M. S. Careless, *Brown of the Globe*, vol. I (Toronto: Macmillan, 1963), pp. 192-193; and idem, "The Place, the Office, the Times and the Men," in *The Pre-Confederation Premiers: Ontario Government Leaders, 1841-1867*, Ontario Historical Studies Series (Toronto: University of Toronto Press, 1980), p. 9.

*Henry Ruttan*



**Henry Ruttan**  
**1837-1838**

*Portrait by Théophile Hamel*



## HENRY RUTTAN

The men who held the office of Speaker of the Assembly of Upper Canada or that of the United Province of Canada were members of many varied professions. A great number were military officers or lawyers, a few were administrative officials or businessmen, and some undertook several different careers during their lifetime. Only one Speaker, however, can lay claim to being an inventor.

Henry Ruttan was born on 12 June 1792 at Adolphustown, Upper Canada, the third of seven children. His grandfather had emigrated to the Thirteen Colonies in 1734 and had settled in the area that became West Chester County, New York. In 1783, Henry's father, a Loyalist militia officer, moved the family to Adolphustown in the Midland District of Upper Canada.<sup>1</sup> The circumstances leading to young Ruttan's education are unusual; indeed, it is unlikely that he would have received any formal education at all were it not for an accident which led to the loss of the use of one hand. Because of the accident, Henry was unfit for manual labour and his father sent him to a succession of local school masters.<sup>2</sup> At the age of 14, he left school and became apprenticed to John Kerby, a Kingston merchant "to learn the art and mystery of trade and commerce."<sup>3</sup>

The outbreak of the War of 1812 interrupted Ruttan's career in business. With the opening of hostilities, he traded his apprenticeship for a militia uniform. He joined the Incorporated Militia as a volunteer and later received a lieutenant's commission. He served with this regiment throughout the conflict and was present at the Battle of Lundy's Lane (25 July 1814) where he was badly wounded.<sup>4</sup> Despite the severity of his injuries, however, Ruttan had sufficiently recovered by December to rejoin his regiment at their winter quarters at York. He did not see another battle and with the cessation of hostilities in 1815 was reduced to the status of a half-pay officer.<sup>5</sup>

In 1815 Ruttan returned to the business world. He settled in Cobourg and began to engage in many different ventures. Between 1815 and his entry into the House of Assembly in 1820, he worked as a survey contractor under a system instituted by the government in 1818. As a contractor, he was paid to ensure that a certain number of township surveys were conducted. He, in turn, farmed out the actual survey work. For his trouble, he was awarded 4.5% of the total land surveyed.<sup>6</sup> In addition to his landed interests, Ruttan also acquired a local administrative post during this period: on 15 June 1818, he was appointed Justice of the Peace for the Newcastle District.<sup>7</sup>

During these years he did not totally abandon his militia connections and was promoted twice: first to the rank of major in 1816 and then to that of lieutenant-colonel in 1818.<sup>8</sup>

Ruttan was elected to the House of Assembly of Upper Canada in 1820 as the representative for the county of Northumberland. Unfortunately, the Journals for this parliament make little mention of Ruttan; it is quite likely that, given his predisposition to do so in later parliaments, he did participate in the daily debates in the House and served on various House committees. In any case, he was not returned to the House in 1825.

The years between his first and second terms in the Legislature were not idle ones. Ruttan continued his association with the provincial militia. Indeed, after 1825 he received yet another promotion and was given the rank of colonel of the Third Battalion of the Northumberland Militia.<sup>9</sup> Furthermore, he held several civil commissions during this period. The Civil List for 1825 includes him as a Commissioner of the Peace for the Newcastle District. This list also names many former and future Speakers of the House as Commissioners of the Peace for various districts, including Levius P. Sherwood (Johnstown), Archibald McLean (Johnstown) and Alexander McDonell (Home).<sup>10</sup> In addition to this responsibility, on 24 October 1827 he was appointed to the position of Sheriff of the Newcastle District. Ruttan held this office for 30 years.<sup>11</sup>

He did not return to the Assembly until 1836 when he was once more elected the representative for Northumberland. As the Journals for the first two sessions of the 13th parliament show, he was often involved in the daily business of the House. He is noted as being a member of several different parliamentary committees including those which dealt with issues such as the regulation of inland navigation and the improvement of back-roads.<sup>12</sup> It was during the third session, however, that Ruttan came to prominence in the Assembly. On 28 December 1837, the House was informed that its Speaker, Allan Napier MacNab, was "absent on public duty in defence of the Province."<sup>13</sup> Due to MacNab's absence, a new Speaker had to be chosen. Although Ruttan states in his memoirs that he was unanimously elected to the Speaker's Chair, the relevant Journal entry shows that he was, in fact, elected by a vote of 21 to 1. The dissenting vote was cast by Edward Malloch, then member for Carleton.<sup>14</sup>

Henry Ruttan held the office of Speaker from that day, 28 December 1837, until MacNab's return to the House on 24 January 1838 -- a period of less



than four weeks. Nevertheless, he presided over a session which, in the aftermath of the Rebellion of 1837, was primarily concerned with matters relating to the administration and regulation of the provincial militia and, of course, provincial security. A bill to amend and consolidate the Militia Laws was debated as was one to prevent unlawful military training.<sup>15</sup> Legislation concerning the arrest, trial and punishment of individuals suspected of conspiracy and treason also merited the attention of the Members. Both pieces of legislation were quickly passed by the House: the former by an overwhelming vote of 24 to 9,<sup>16</sup> the latter by an equally strong vote of 21 to 8.<sup>17</sup> In addition to these measures, a bill to render individuals who had "absconded" to the United States during the Rebellion "incapable of exercising any political or civil immunity or right" provided the Members with a timely topic for debate. Nevertheless, this bill was not passed during Ruttan's brief term in office.<sup>18</sup> With MacNab's return to the House, Ruttan relinquished the Chair and resumed his previous parliamentary status.<sup>19</sup> He remained a member of the Assembly until 1841.

Despite his years of service in the House and his brief tenure as Speaker, it is as an inventor and designer of air heaters and ventilation equipment that Ruttan is best remembered. Between 1846, when he designed "a new method of constructing furnaces for heating houses and other buildings with hot air, called Hot Air Generators," and 1858, he was granted seven patents for various types of ventilation systems.<sup>20</sup> In a speech delivered to the Cobourg Mechanics Institute (22 February 1858), Ruttan outlined the reasons for his interest in the subject; indeed, his motivation was as much philanthropic as it was scientific. He stated that the loss of several friends to consumption prompted him to invent a way to improve upon the ventilation conditions which existed in the average dwelling.<sup>21</sup> For Ruttan, the notions of air ventilation and public health were interrelated. Indeed, he stated that

until we so construct or adopt our dwellings  
as to make them breathe -- that is inhale  
pure and exhale foul air, we can never  
expect health.<sup>22</sup>

It is not surprising that Ruttan spent the greater part of this speech outlining the health hazards associated with the existence of 'impure air' in a building.<sup>23</sup> He noted that the carbon burned in a furnace creates a dust which, if not extracted from the air, accumulates over time thus posing a hazard. Furthermore, he added that the existence of air-borne viruses in



'impure air' creates an environment in which epidemics of disease such as tuberculosis could be nurtured. Thus, Ruttan correctly concluded that if the impure air which permeated the average house could be purified and warmed, the health and living conditions of the its inhabitants would be improved.<sup>24</sup>

At the age of 68, Henry Ruttan was involved in a carriage accident. Although not fatal, his health steadily deteriorated as a result. He died on 31 July 1871 at Cobourg, Ontario.<sup>25</sup>

### Notes

<sup>1</sup>Henry Ruttan, "Autobiography of the Honourable Henry Ruttan of Cobourg, Upper Canada," *Annual Transactions of the United Empire Loyalists* (Toronto: Church of England Publishing Co., 1899), pp. 75-77; William Cannif, *History of the Province of Ontario (Upper Canada)* (Toronto: A. H. Hovey, 1872), p. 120; Henry N. Ruttan, *A Part of the Family of Ruttan, 1590-1986* (Ottawa: Emery Publishing, 1986), p. 23; and J. K. Johnson, *Becoming Prominent: Regional Leadership in Upper Canada* (Montreal: McGill-Queen's University Press, 1989), p. 223.

<sup>2</sup>Ruttan, "Autobiography," pp. 78-79; Edwin C. Guillet, *Cobourg, 1798-1948* (Oshawa, Ont.: Goodfellow Printing Co., 1948), p. 25; and Canniff, *History of the Province of Ontario*, pp. 120-121.

<sup>3</sup>Ruttan, "Autobiography," p. 80; and "Henry Ruttan," *Dictionary of Canadian Biography*, vol. 10 (Toronto: University of Toronto Press, 1972), p. 637.

<sup>4</sup>Ruttan, "Autobiography," pp. 80-82; and Johnson, *Becoming Prominent*, pp. 76, 224.

<sup>5</sup>Ruttan, "Autobiography," pp. 82-83; and Johnson, *Becoming Prominent*, p. 224.

<sup>6</sup>Johnson, *Becoming Prominent*, pp. 11, 224.

<sup>7</sup>*Ibid.*, p. 224.

<sup>8</sup>Rev. A. N. Bethune, *A Memoir of the Late Mr. William Ruttan, Son of Henry Ruttan, Esq. of Cobourg* (Cobourg, Canada West: R. D. Chatterton, 1837), p. 25; Frederick H. Armstrong, *Handbook of Upper Canadian Chronology and Territorial Legislation* (London, Ont.: Lawson Memorial Library, University of Western Ontario, 1967), p. 178; Johnson, *Becoming Prominent*, p. 19; and Ruttan, *A Part of the Family of Ruttan*, p. 23.

<sup>9</sup>*Dictionary of Canadian Biography*, vol. 10, p. 637; and Johnson, *Becoming Prominent*, p. 224.

<sup>10</sup>"List of Commissioners of the Peace by District," *The York Almanac and Royal Calendar of Upper Canada for the Year 1825* (York: Charles Fothergill, 1825), p. 124.

<sup>11</sup>Ruttan, "Autobiography," p. 83; Armstrong, *Handbook of Upper Canadian Chronology*, p. 178; Johnson, *Becoming Prominent*, pp. 19, 224; and *Dictionary of Canadian Biography*, vol. 10, p. 659.

<sup>12</sup>Upper Canada, House of Assembly, *Journals of the House of Assembly*, 3rd Session, 13th Parliament (Toronto: Joseph Lawrence, 1838), pp. 52, 58, 83.

<sup>13</sup>*Ibid.*, p. 41.

<sup>14</sup>*Ibid.*, p. 14; and Ruttan, "Autobiography," p. 83.

<sup>15</sup>Upper Canada, House of Assembly, *Journals of the House of Assembly*, 3rd Session, 13th Parliament, pp. 14, 15, 21, 35, 40, 52, 63, 65, 83, 131, 132.

<sup>16</sup>*Ibid.*, pp. 14, 20, 21, 30, 35, 37, 39, 56, 101.

<sup>17</sup>*Ibid.*, pp. 36, 46, 58, 79, 80.

<sup>18</sup>*Ibid.*, pp. 34, 115, 123, 153.

<sup>19</sup>*Ibid.*, p. 174.

<sup>20</sup>In simplest terms, his method combined the process of heating and ventilation by drawing outside air into a building by way of a duct. The air then naturally flowed through a heater and thence circulated by convection through the various rooms of the building. Finally, the air flowed through

a duct to a foul air shaft and then outside. He developed a similar ventilation system for railway coaches.

Henry Ruttan, *Ventilation and Warming of Buildings* (New York: n.p., 1862); idem, *Lecture on the Ventilation of Buildings* (Cobourg, Canada West: Cobourg Sun Office, 1858); *Dictionary of Canadian Biography*, vol. 10, p. 637; and Guillet, *Cobourg*, p. 25.

For a list of the patents granted to Ruttan, see: *Patents of Canada*, vol. I, nos. 210, 222, 224, 225; and vol. II, no. 311.

<sup>21</sup>Ruttan, *Lecture on the Ventilation of Buildings*, p. 3.

<sup>22</sup>*Ibid.*, p. 7.

<sup>23</sup>*Ibid.*, pp. 18-24.

<sup>24</sup>*Ibid.*, pp. 50, 52-57, 58, 60.

<sup>25</sup>Ruttan, *A Part of the Family of Ruttan*, p. 24; *Dictionary of Canadian Biography*, vol. 10, p. 636; and Johnson, *Becoming Prominent*, p. 223.



*Austin (Augustin) Cuvillier*



**Austin (Augustin) Cuvillier**

**1841-1843**

*Portrait by Théophile Hamel*

## AUSTIN (AUGUSTIN) CUVILLIER

The implementation of the *Union Act, 1840* brought great changes to the political landscapes of Upper and Lower Canada. The importance of these changes was the union of the Upper and Lower Canadian assemblies. The new parliament combined English and French representatives on an equal basis rather than one based on representation by population; this latter method would have given the majority of seats in the House to Lower Canada. The equality manufactured by the Act angered many Lower Canadian Reformers and, consequently, the first union parliament contained a great many individuals who had been elected because of their anti-union sentiments. Furthermore, the union of the two assemblies created problems of a social and cultural nature. Indeed, it is with the creation of a Union parliament that the issue of bilingualism first plays a significant political role. In light of these factors, the Speaker of the first united parliament needed to be a politically complex individual. Accordingly the first Speaker of the Legislative Assembly of the Province of Canada was indeed a man fit for the task: he represented what were seen as 'English' economic values but was also concerned with the political interests of Lower Canada.

Augustin Cuvillier III was born on 20 August 1779 at Quebec and was the eldest of seven children. He grew up in the neighbourhood of the Rue-Sous-le-Fort, an area that was home to a great many small retailers including his father. He received his education at the Collège Saint-Raphaël in Montreal, where he became fluent in English, a language which was of great use during his business and political career.<sup>1</sup>

Perhaps due to the unexpected death of his father, Cuvillier did not complete his studies but entered the employ of a Montreal auctioneer, Henry Richard Symes, in 1794. Over the next few years he acquired a working knowledge of auctioneering which involved the wholesale import of dry goods that would subsequently be sold in large lots at local auctions. Goods which had been imported by merchants other than the auctioneer would also be sold on a commission basis. In 1802, Cuvillier took over the business from the retiring Symes; by 1806, he had expanded the enterprise and was in partnership with Thomas Aylwin and John Harkness.<sup>2</sup> However, the partnership's success was short-lived. In October 1806 the venture was handed over to its creditors in lieu of payment for outstanding debts. This scenario was repeated at least three times over the next decade.<sup>3</sup> It was also during this period that Cuvillier adopted the Anglicized version of his name -- Austin -- for business purposes.



The outbreak of the War of 1812 interrupted Cuvillier's troubled business career. During the conflict he served as a lieutenant and as adjutant in the Fifth Select Embodied Militia Battalion of Lower Canada.<sup>4</sup> While it is not clear if he was present at any of the War's major battles, Cuvillier made his greatest contribution in the field of intelligence. In June 1813 he managed to acquire information about the movements of the American forces stationed in the Salmon River area along the New York border. He was decorated for his contribution and retired in 1814 with the rank of captain.<sup>5</sup>

With the cessation of hostilities, Cuvillier turned his attention not only to business but also to politics. In 1809 he had attempted to win a seat in the Assembly of Lower Canada but had been unsuccessful. He made a second attempt in 1814 and this time was sent to the House as one of the representatives for Huntingdon County. He held this seat until 1830.<sup>6</sup> In spite of his unstable personal business history, Cuvillier's knowledge of the world of commerce and his connections to Upper Canadian business made him of great importance to the nationalist party. Indeed, he is credited with helping to lessen the Patriote's hostility towards commercial interests.<sup>7</sup> His economic and commercial knowledge was put to quick use in the House; in fact, it was Cuvillier who proposed that the Assembly study the possibility of establishing a bank in the province.<sup>8</sup>

Cuvillier's efforts to introduce such a bill in the Assembly are well documented. He presented the initial motion on 6 February 1815. The question was raised four more times during the session but the House took no action on the issue. The matter was reintroduced on 7 February 1816 when Cuvillier presented a petition from Montreal merchants requesting an act of incorporation for a bank. Although the venture was to be based in Lower Canada, Cuvillier was the only French-Canadian to sign the petition.<sup>9</sup> The petition's argument was straightforward: it was necessary to found a bank so that a uniform circulating medium of exchange could be created. This medium would then be substituted for the precious metals and army bills which were then used as currency. The petition concluded with the observation that the creation of a currency would give facility and security to commerce in Lower Canada and thus encourage it.<sup>10</sup> This time the request was not ignored and the matter was referred to a committee which Cuvillier chaired.<sup>11</sup> Even though legislation to incorporate a bank in Montreal was introduced on the strength of the committee's report, the prorogation of the House caused it to be scrapped. The issue of the incorporation of the Bank of Montreal was eventually resurrected and a Royal Charter was granted in 1822 -- a full five years after the Articles of



Incorporation had been drawn up by the merchants who had become impatient with the Assembly.<sup>12</sup> It is not surprising that Cuvillier served as one of the Bank's directors from 1817 until 1825.<sup>13</sup>

On his return to the Assembly in 1820, Cuvillier once more focused his attention on economic matters. In 1821, he was one of four delegates sent to negotiate the question of contested customs duties with the Upper Canadian government. His close association with the economic issues facing the Assembly continued into the late 1820s. In 1828 he was one of three members elected by the Assembly to take a petition to the Imperial government which complained of Governor Dalhousie's administration. It was Cuvillier who presented the House of Commons with information regarding Lower Canada's financial situation. Indeed, he even presented the Canada Committee with a paper which summarized the sources of revenue and the expenditures incurred in the colony from the time of the British conquest. He used this document to argue in favour of the Assembly's claim for complete control over the province's finances.<sup>14</sup>

He returned to the Assembly as one of the representatives for Laprairie County in the general election of 1830. During the course of the following parliament, a rift developed between Cuvillier and the Patriote party he had once supported. For example, he opposed the Patriote's demands for an elected Legislative Council and was one of only six members to oppose the 92 Resolutions which contained a litany of the province's political grievances.<sup>15</sup> His gradual drift away from the Patriote fold and his stance on the Resolutions are cited as the main factors in his failure to be re-elected in 1834.<sup>16</sup>

Cuvillier did not return to the political arena until 1841 when he was elected to the first union parliament as the member for Huntingdon and as an anti-unionist.<sup>17</sup> When the session opened five days later than anticipated, he was put forward as a candidate for the office of Speaker. His bilingualism and his knowledge members of the House and the business community were factors in favour of his nomination. More important, however, was the fact that the election to the Chair of a member who was not only an anti-unionist but who opposed the civil list and who favoured proportional representation would be a small but important first victory for the French-Canadian members of the Assembly.<sup>18</sup> He was subsequently elected Speaker on 14 June 1841.<sup>19</sup>

Many different issues were brought before the House during Cuvillier's term as Speaker. For instance, on 15 July 1841 a bill was introduced which would provide for a periodic census to be taken in the province in order to obtain statistical information.<sup>20</sup> Several pieces of social legislation also merited the House's attention. A bill enabling clergy of all Christian denominations to solemnize marriages in the newly united province was put forward and passed.<sup>21</sup> Furthermore, legislation to provide for the voluntary commutation of seigneurial tenure in Canada East was introduced in the Assembly, but not passed. No further action on the matter was taken during this parliament.<sup>22</sup> Also worthy of note is the fact that while a bill to establish and to provide for the maintenance of common schools in Canada West received swift passage in the House,<sup>23</sup> similar legislation concerning the schools of Canada East failed to pass a second reading.<sup>24</sup> Many other issues were raised but not resolved during Cuvillier's term in the Chair. Legislation to provide for the independence of the provincial judiciary was twice presented and twice defeated.<sup>25</sup> The question of finding a permanent seat of government for the union was also raised during this period. There were few serious debates on this issue, however, and it was left for succeeding parliaments to resolve.<sup>26</sup>

Austin Cuvillier ran but was defeated in the 1844 general election. With his retirement from politics, he turned his attention to his first career -- auctioneering. During one of the many epidemics which ravaged Upper and Lower Canada in the mid-19th century, he contracted typhus. He died on 11 July 1849 and was buried at Notre-Dame Cathedral in Montreal.

### Notes

<sup>1</sup>Adam Shortt, "Austin Cuvillier, Merchant, Legislator and Banker," in *Adam Shortt's History of Canadian Currency and Banking, 1600-1880* (Toronto: The Canadian Bankers' Association, 1922), pp. 804-805; and "Austin (Augustin) Cuvillier," *Dictionary of Canadian Biography*, vol. 7 (Toronto: University of Toronto Press, 1988), p. 224.

<sup>2</sup>*Ibid.*; and Brian Young, *George-Étienne Cartier: Montreal Bourgeois* (Montreal: McGill-Queen's University Press, 1981), p. 2.

<sup>3</sup>*Dictionary of Canadian Biography*, vol. 7, p. 224.

<sup>4</sup>Robert Rumilly, *Papineau et son temps*, vol. 2: 1838-1871 (Montréal: Éditions Fides, 1977), pp. 70, 113; *Dictionary of Canadian Biography*, vol. 7, p. 224; and Shortt, "Austin Cuvillier," p. 807.

<sup>5</sup>Rumilly, *Papineau et son temps*, p. 77; and *Dictionary of Canadian Biography*, vol. 7, pp. 224-225.

<sup>6</sup>Joseph Desjardins, *Guide parlementaire historique de la province de Québec, 1792 à 1902* (Quebec: Hunter, Rose & Co., 1902), p. 130; Henry J. Morgan, *Sketches of Celebrated Canadians* (London: Hunter, Rose & Co., 1862), p. 394; and Shortt, "Austin Cuvillier," p. 807.

<sup>7</sup>Fernand Ouellet, *Le Bas-Canada, 1791-1840: Changements structuraux et crise*, 2nd ed. (Ottawa: Éditions de l'Université d'Ottawa, 1980), pp. 354-355; *Dictionary of Canadian Biography*, vol. 7, p. 225; and Shortt, "Austin Cuvillier," pp. 806-807.

<sup>8</sup>Merill Denison, *Canada's First Bank: A History of the Bank of Montreal*, vol. 1 (Toronto and Montreal: McClelland and Stewart, 1966), p. 65; and Shortt, "Austin Cuvillier," pp. 67, 807-808.

<sup>9</sup>Denison, *Canada's First Bank*, p. 73; Rumilly, *Papineau et son temps*, p. 181; and Shortt, "Austin Cuvillier," p. 807.

<sup>10</sup>Denison, *Canada's First Bank*, p. 65; and Shortt, "Austin Cuvillier," pp. 62, 65, 67, 71, 809.

<sup>11</sup>Denison, *Canada's First Bank*, p. 68.

<sup>12</sup>Ibid., pp. 75, 136; Robert Rumilly, *Histoire de Montréal*, vol. 2 (Montréal: Éditions Fides, 1970), pp. 144-145; Shortt, "Austin Cuvillier," pp. 71-72, 809-810; and *Dictionary of Canadian Biography*, vol. 7, p. 225.

<sup>13</sup>Denison, *Canada's First Bank*, p. 421; and Shortt, "Austin Cuvillier," p. 74.

<sup>14</sup>Rumilly, *Papineau et son temps*, p. 181; idem, *Histoire de Montréal*, pp. 167, 192; Shortt, "Austin Cuvillier," pp. 812-813; and *Dictionary of Canadian Biography*, vol. 7, pp. 225-226.



<sup>15</sup>For the text of the 92 Resolutions, see: *Documents of the Canadian Constitution, 1759-1915*, ed. W. P. M. Kennedy (Toronto: Oxford University Press, 1918), pp. 366-388.

<sup>16</sup>"Austin Cuvillier," *The Macmillan Dictionary of Canadian Biography* (Toronto: Macmillan, 1963), p. 168; Jacques Monet, *The Last Canon Shot: A Study of French-Canadian Nationalism, 1837-1850* (Toronto: University of Toronto Press, 1969), p. 43; Morgan, *Sketches of Celebrated Canadians*, p. 394; Shortt, "Austin Cuvillier," p. 815; Rumilly, *Papineau et son temps*, p. 315; and Ouellet, *Le Bas-Canada*, p. 229.

<sup>17</sup>Paul G. Cornell, *The Alignment of Political Groups in Canada, 1841-1867* (Toronto: University of Toronto Press, 1962), pp. 5, 7; Desjardins, *Guide parlementaire historique*, p. 159; and Rumilly, *Papineau et son temps*, p. 590.

<sup>18</sup>J. M. S. Careless, *The Union of the Canadas: The Growth of Canadian Institutions, 1841-1857*, Canadian Centenary Series (Toronto: McClelland and Stewart, 1967), p. 49; J. C. Dent, *The Last Forty Years: The Union of 1841 to Confederation*, 2 vols., Carleton Library Series (Toronto: George Virtue, 1881; reprint, Toronto: McClelland and Stewart, 1972), pp. 45-48; Monet, *The Last Canon Shot*, p. 80; Shortt, "Austin Cuvillier," p. 815; and Rumilly, *Papineau et son temps*, p. 232.

<sup>19</sup>Province of Canada, Legislative Assembly, *Journals of the Legislative Assembly*, vol. 1, 1st Session, 1st Parliament (Kingston, Canada West: Desbarats & Carey, 1841), p. 2.

<sup>20</sup>*Ibid.*, pp. 190, 214, 257, 435, 437, 444, 449, 526, 531, 536, 664.

<sup>21</sup>*Ibid.*, pp. 166, 206, 215, 226, 345, 370, 423, 427, 504.

<sup>22</sup>*Ibid.*, pp. 95, 245, 246, 247, 462, 502, 503, 513, 514.

<sup>23</sup>Idem, *Journals of the Legislative Assembly*, vol. 3, 3rd Session, 1st Parliament (Kingston: E. J. Barker, 1844), pp. 132, 153, 191, 192, 196, 199, 209.

<sup>24</sup>*Ibid.*, pp. 141, 153.

<sup>25</sup>Idem, *Journals of the Legislative Assembly*, vol. 1, 1st Session, 1st Parliament, p. 11; and idem, *Journals of the Legislative Assembly*, vol. 2, 2nd Session, 1st Parliament (Kingston, Canada West: Robert Stanton, 1842), pp. 6, 13.

<sup>26</sup>Idem, *Journals of the Legislative Assembly*, vol. 2, 2nd Session, 1st Parliament, pp. 97, 109, 110.



**ALLAN NAPIER MacNAB**  
**1844-1847**

*Portrait by John Partridge*  
*(For biographical information refer to page 77)*



*Augustin-Norbert Morin*



**Augustin-Norbert Morin**  
**1848-1851**

*Portrait by Théophile Hamel*

## AUGUSTIN-NORBERT MORIN

Augustin-Norbert Morin was born on 13 October 1803 at Saint-Michel, Lower Canada and was the eldest of 11 children. Perhaps due to his premature birth, his health was fragile during his early years and he experienced several violent attacks of rheumatism. It is likely that he would have received little formal education had it not been for the intervention of Saint-Michel's parish priest, Abbé Thomas Maguire. It was at the Abbé's insistence that the impoverished Morin was sent to study at the Séminaire de Québec in 1815. He completed his studies there in 1822.<sup>1</sup>

Although he had expressed an interest in entering the priesthood, Morin chose to undertake the study of law after his departure from the Séminaire. Unfortunately, his precarious financial status dictated that he first find some means of support during his period of study. Thus, in the early 1820s he went to work for *Le Canadien*, a radical, nationalist newspaper founded in 1806.<sup>2</sup> With the close of this newspaper in 1823, Morin returned his attentions to the study of law and articulated in the offices of Denis-Benjamin Viger. He was called to the Bar in 1828.<sup>3</sup>

Morin did not totally abandon journalism during his early legal career but remained active in the writing and publication of radical, Patriote tracts. In 1825 he authored a vehement attack on Judge Edward Bowen's decision that the courts of Lower Canada would acknowledge only briefs written in English. Citing both *The Quebec Act, 1774* and *The Constitutional Act, 1791*, Morin questioned the logic and the justice of disallowing the people of Lower Canada to interpret their law in their own language.<sup>4</sup> In 1826 he founded his own newspaper, *La Minerve*, which became "*le principal organe du parti patriote*."<sup>5</sup> Even though *La Minerve* contained several stories of general interest, the object of this new reformist journal was political in nature. Many of the articles published in it encouraged all French Canadians

à résister à tout [sic] usurpation de leurs  
droits, tout en leur faisant apprécier et chérir  
les bienfaits du gouvernement de la  
mère-patrie.<sup>6</sup>

For more than a decade he continued his association with *La Minerve* and, throughout the early years of his legal and parliamentary careers, wrote articles on a variety of subjects.

Morin was only 27 when he was first elected to the Legislative Assembly of Lower Canada in 1830 as the representative for Bellechasse. He held this seat for eight years.<sup>7</sup> It was during this time that he distinguished himself in the House. Along with Louis-Joseph Papineau and Elzéar Bédard, he was a member of the parliamentary committee which authored the 92 Resolutions in 1834.<sup>8</sup> The Resolutions embodied many of the grievances held by the Reformers and Patriotes. They not only contained a catalogue of governmental problems but also included a denunciation of the Legislative Council and a thinly-veiled threat of secession.<sup>9</sup> After a lengthy debate, the 92 Resolutions were overwhelmingly passed by the House and Morin and Denis-Benjamin Viger were dispatched to London to present them to the Imperial government.<sup>10</sup> In addition to this responsibility, it was Morin who acted as leader of the Patriote party in 1835 when Louis-Joseph Papineau was unable to secure a seat in the Assembly.<sup>11</sup>

Although he was gaining influence in the House, Morin actively participated in the Rebellion of 1837 and, in fact, became one of the movement's leaders. As a result of his prominence, a warrant was issued and he was arrested for high treason on 28 October 1839. The charge against him, however, was ill-founded and he was soon released from custody. Nevertheless, his involvement in the Rebellion adversely affected his finances and shortly thereafter he was compelled to refocus his energies on his legal career.<sup>12</sup>

Morin did not return to the Assembly until 1841. Like other Patriote supporters, he opposed the union of the provinces on the grounds that *The Union Act, 1840* did not provide for proportional representation in the Assembly nor for ministerial control of revenue or supply.<sup>13</sup> In 1841 he was elected to the first united parliament as an anti-unionist and the representative for Nicolet.<sup>14</sup> When the Assembly convened he was put forward as a candidate for the Speakership. His candidacy was supported for many reasons, not the least of which was that if Morin were to be elected to the Chair he could continue in the tradition of the Lower Canadian Assembly and act as House leader. In this way Louis H. Lafontaine, who had not secured a seat in the House, could direct the party through his friend. It was eventually decided that Morin could not carry the vote of the Tory opposition and, therefore, that a new candidate should be found for Speakership. Austin Cuvillier was nominated in his place.<sup>15</sup> Morin was subsequently offered the post of Solicitor-General for Lower Canada but refused.

On 1 January 1842, Morin resigned his seat in the House in order to accept a judicial appointment. However, his time on the Bench was brief and on



28 November 1842 he returned to the Assembly as the member for Saguenay and the Commissioner for Crown Lands.<sup>16</sup> In the general election of 1844, he gained the distinction of being re-elected in two separate constituencies, namely Saguenay and Bellechasse. Due to his life-long association with the county, he decided to return to the Assembly in 1844 as the member for Bellechasse. Morin held this seat for 11 years.<sup>17</sup> Upon the opening of parliament, he was put forward as the opposition's nominee for the office of Speaker. He lost the election to the government's candidate, Allan Napier MacNab, by a slim, three-vote margin.<sup>18</sup>

In 1848, Morin was returned to the House and, once again, was nominated for the office of Speaker. This time, he was successful and won the election by an overwhelming vote of 54 to 19.<sup>19</sup> While his proficiency in both English and French may be cited as a factor in his election to the Chair, it is more likely that the vote reflected the desire of Francis Hincks and the French Canadian coalition to keep the Speakership out of the hands of John Sandfield Macdonald, the leader of the Reform party in Canada West and a supporter of policies antithetic to those espoused by Hincks.<sup>20</sup>

During his term in the Chair, the House considered several bills dealing with social issues. Many petitions for the abolition of capital punishment were made to the Assembly during this period. Legislation on this matter was not introduced, however, until the parliament's third session and failed to pass a second reading.<sup>21</sup> In addition, numerous attempts were made to introduce legislation which would abolish imprisonment for debt. Even though such a bill did receive passage during the second session, subsequent attempts to introduce new or amending bills were made.<sup>22</sup>

Economic issues also received the attention of the Assembly. The problem of rising public debt spawned the introduction of legislation to provide for better management of public funds. The bill was quickly debated and passed.<sup>23</sup> Not long after the passage of this legislation, the House dealt with another aspect of public finance, namely the remuneration of members of the Assembly. Not surprisingly, the Assembly moved with considerable speed to pass a bill providing for the repayment of expenses they incurred while attending the sessions of the Legislature.<sup>24</sup> Furthermore, a bill providing for the incorporation of the Consumers' Gas Company of Toronto was passed during Morin's term in the Chair.<sup>25</sup>

However, the most noteworthy event of Morin's Speakership occurred during debate on the Rebellion Losses Bill. Throughout the emotional debate, he

maintained control of the Chamber; indeed, he did not hesitate to have the galleries cleared when necessary. Nevertheless, the acid test of his endurance came when rioters set the parliament building on fire. A story about the incident maintains that Speaker Morin went as far as to request a formal motion of adjournment as the Chamber itself was catching fire.<sup>26</sup> As a consequence of the building's destruction, the Assembly was forced to move its gatherings to St. Anne's Market Hall. Here business resumed and members considered many of the aforementioned bills as well as several petitions from individuals requesting repayment for losses suffered during both the Rebellion of 1837 and the Montreal Riot.<sup>27</sup>

Morin was returned to the Assembly in 1851 as the member for Terrebonne. Due to the retirement of Lafontaine, he became leader of the French Canadian faction as well as a colleague of Francis Hincks. Together, Hincks and Morin formed a coalition government which held power until September 1854.<sup>28</sup> After the defeat of Hincks in 1854, Morin formed another coalition with one-time opponent Allan Napier MacNab. This second alliance lasted until 26 January 1855.<sup>29</sup> At this time, Morin resigned from the government because of his failing health.

During the final decade of his life, Morin was involved in the codification of the civil law of Canada East. He was appointed to the commission charged with carrying out this process on 4 February 1859. Unfortunately, he did not live to see the completion of the project. Augustin-Norbert Morin died on 27 July 1865 at Sainte-Adèle de Terrebonne, one year before the new civil code came into force.<sup>30</sup>

## Notes

<sup>1</sup>Jacques Monet, *The Last Canon Shot: A Study of French-Canadian Nationalism, 1837-1850* (Toronto: University of Toronto Press, 1969), p. 45; Pierre-Georges Roy, ed., "L'honorable Juge Augustin-Norbert Morin," *Les Juges de la province de Québec* (Québec: Service des Archives du Gouvernement de la province de Québec, 1933), p. 387; and "Augustin-Norbert Morin," *Dictionary of Canadian Biography*, vol. 9 (Toronto: University of Toronto Press, 1976), p. 568.

<sup>2</sup>Fernand Ouellet, *Le Bas-Canada, 1791-1840: Changements structuraux et crise*, 2nd ed. (Ottawa: Éditions de l'Université d'Ottawa, 1980), pp. 104, 106; and *Dictionary of Canadian Biography*, vol. 9, p. 568.

<sup>3</sup>Roy, *Les Juges de la province de Québec*, p. 387; and *Dictionary of Canadian Biography*, vol. 9, p. 568.

<sup>4</sup>Morin wrote: "En toute justice, ou logique, comment peut-on demander à des gens qui, pour le plus grand nombre, ne parlent pas l'anglais, d'interpréter les lois françaises dans cette langue?"

[Quoted in Robert Rumilly, *Papineau et son temps*, vol. 2 (Montréal: Éditions Fides, 1977), p. 161.]

See also: Roy, *Les Juges de la province de Québec*, p. 387.

<sup>5</sup>Ouellet, *Le Bas-Canada*, p. 324; J. M. S. Careless, *The Union of the Canadas: The Growth of Canadian Institutions, 1841-1857*, Canadian Centenary Series (Toronto: McClelland and Stewart, 1967), p. 33; Rumilly, *Papineau et son temps*, pp. 166-167; idem, *Histoire de Montréal*, vol. 2 (Montréal: Éditions Fides, 1970), p. 166; and Monet, *The Last Canon Shot*, p. 45.

<sup>6</sup>Rumilly, *Papineau et son temps*, p. 167.

<sup>7</sup>Joseph Desjardins, *Guide parlementaire historique de la province de Québec, 1792 à 1902* (Québec: Hunter, Rose & Co., 1902), p. 145; J. C. Dent, *The Last Forty Years: The Union of 1841 to Confederation*, 2 vols., Carleton Library Series (Toronto: George Virtue, 1881; reprint, Toronto: McClelland and Stewart, 1972), p. 38; Rumilly, *Papineau et son temps*, p. 214; and *Dictionary of Canadian Biography*, vol. 9, p. 568.

<sup>8</sup>For the text of the 92 Resolutions, see: W. P. M. Kennedy, ed., *Documents of the Canadian Constitution, 1759-1915* (Toronto: Oxford University Press, 1918), pp. 366-388.

<sup>9</sup>As regards the nature and style of the Resolutions, Rumilly states "Il y dénonce l'accaparement de places et des terres vacantes. Il demande la responsabilité des fonctionnaires, le contrôle des deniers publics par la Chambre et la réforme du Conseil législatif. . . . Les résolutions, rédigées dans le style emphatique de l'époque, comprennent des professions de foi



démocratique et un rappel de l'exemple américain--ce qui ressemble beaucoup à une menace." [Rumilly, *Histoire de Montréal*, p. 194]

See also: Idem, *Papineau et son temps*, pp. 298, 300-301, 319-321; Ouellet, *Le Bas-Canada*, p. 357; and Careless, *The Union of the Canadas*, p. 33.

<sup>10</sup>Dent, *The Last Forty Years*, p. 38; Rumilly, *Papineau et son temps*, pp. 314-316; Roy, *Les Juges de la province de Québec*, p. 387; and *Dictionary of Canadian Biography*, vol. 9, p. 569.

<sup>11</sup>Rumilly, *Papineau et son temps*, p. 340.

<sup>12</sup>"Augustin-Norbert Morin," *The Macmillan Dictionary of Canadian Biography* (Toronto: Macmillan, 1963), p. 527; Rumilly, *Histoire de Montréal*, pp. 232, 238; and *Dictionary of Canadian Biography*, vol. 9, p. 569.

<sup>13</sup>Paul G. Cornell, *The Alignment of Political Groups in Canada, 1841-1867* (Toronto: University of Toronto Press, 1962), p. 5; Rumilly, *Papineau et son temps*, pp. 198, 219; and *Dictionary of Canadian Biography*, vol. 9, p. 569.

<sup>14</sup>Desjardins, *Guide parlementaire*, p. 162.

<sup>15</sup>Monet, *The Last Canon Shot*, pp. 80-84.

<sup>16</sup>*Ibid.*, pp. 97, 106; J. O. Côté, *Political Appointments and Elections in the Province of Canada from 1841 to 1865* (Québec: St. Michel & Darveau, 1860), pp. 6, 47; Desjardins, *Guide parlementaire*, pp. 32, 144; Rumilly, *Papineau et son temps*, p. 253; and Cornell, *The Alignment of Political Groups*, p. 10.

<sup>17</sup>Desjardins, *Guide parlementaire*, p. 157.

<sup>18</sup>Province of Canada, Legislative Assembly, *Journals of the Legislative Assembly of Canada*, vol. 4, 1st Session, 2nd Parliament (Montreal: Rollo Campbell, 1845), pp. 1-2; Donald Beer, *Sir Allan Napier MacNab* (Hamilton, Ont.: The Dictionary of Hamilton Biography, 1984), p. 191; Monet, *The Last Canon Shot*, p. 198; Careless, *The Union of the Canadas*, p. 97; and Cornell, *The Alignment of Political Groups*, p. 17.

<sup>19</sup>Province of Canada, Legislative Assembly, *Journals of the Legislative Assembly*, vol. 7, 1st Session, 3rd Parliament (Montreal: Rollo Campbell, 1848), pp. 1-2; Beer, *Sir Allan Napier MacNab*, pp. 239-240; Monet, *The Last Canon Shot*, p. 266; and Careless, *The Union of the Canadas*, p. 119.

<sup>20</sup>William G. Ormsby, "Sir Francis Hincks," in *The Pre-Confederation Premiers: Ontario Government Leaders, 1841-1867*, Ontario Historical Studies Series (Toronto and Buffalo: University of Toronto Press, 1980), pp. 181-182; Cornell, *The Alignment of Political Groups*, pp. 24-25; Dent, *The Last Forty Years*, pp. 182-183; and Rumilly, *Papineau et son temps*, pp. 327-329.

<sup>21</sup>Province of Canada, Legislative Assembly, *Journals of the Legislative Assembly*, vol. 8, 2nd Session, 3rd Parliament (Montreal: Rollo Campbell, 1849), pp. 77, 131, 157, 158, 217, 226; and idem, *Journals of the Legislative Assembly*, vol. 9, 3rd Session, 3rd Parliament (Toronto: Rollo Campbell, 1850), pp. 60, 223.

<sup>22</sup>Idem, *Journals of the Legislative Assembly*, vol. 8, 2nd Session, 3rd Parliament, pp. 125, 215, 228, 289, 325, 358, 359, 360, 366; idem, *Journals of the Legislative Assembly*, vol. 9, 3rd Session, 3rd Parliament, pp. 33, 68, 109, 203; and idem, *Journals of the Legislative Assembly*, vol. 10, 4th Session, 3rd Parliament (Quebec: Rollo Campbell, 1851), pp. 123, 124, 177, 291, 326.

<sup>23</sup>Idem, *Journals of the Legislative Assembly*, vol. 8, 2nd Session, 3rd Parliament, pp. 162, 184, 186, 205, 261.

<sup>24</sup>Ibid., pp. 214, 225, 226, 239, 363.

<sup>25</sup>Idem, *Journals of the Legislative Assembly*, vol. 7, 1st Session, 3rd Parliament, pp. 15, 41, 48, 64, 65, 68, 81.

<sup>26</sup>Idem, *Journals of the Legislative Assembly*, vol. 8, 2nd Session, 3rd Parliament, p. 262; William Henry Atherton, *Montreal 1535-1914*, vol. 2 (Montreal: S. J. Clarke, 1914), pp. 167-169; and Monet, *The Last Canon Shot*, pp. 337-338.

<sup>27</sup>Province of Canada, Legislative Assembly, *Journals of the Legislative Assembly*, vol. 8, 2nd Session, 3rd Parliament, pp. 28, 38, 39, 53, 58, 59, 71, 77, 90, 96, 112, 116, 127, 130, 142, 157, 169.

<sup>28</sup>Desjardins, *Guide parlementaire*, pp. 34, 165; Cornell, *The Alignment of Political Groups*, p. 25, 30, 64; and Côté, *Political Appointments and Elections*, p. 19, 47.

<sup>29</sup>Brian Young, *George-Étienne Cartier: Montreal Bourgeois* (Montreal: McGill-Queen's University Press, 1981), pp. 58-59; J. M. S. Careless, *Brown of the Globe*, vol. 1: The Voice of Upper Canada, 1818-1859 (Toronto: Macmillan, 1963), pp. 192-193; Rumilly, *Papineau et son temps*, p. 431.

<sup>30</sup>Young, *George-Étienne Cartier*, pp. 96-97; Roy, *Les Juges de la province de Québec*, p. 387; Rumilly, *Papineau et son temps*, p. 531; and *Dictionary of Canadian Biography*, vol. 9, p. 571.



*John Sandfield Macdonald*



**John Sandfield Macdonald**  
**1852-1854**  
*Portrait by Théophile Hamel*

## JOHN SANDFIELD MACDONALD

In the course of his distinguished political career, John Sandfield Macdonald held many prominent political offices; indeed, he is best remembered as the first Premier of the Province of Ontario under Confederation. It would be remiss, however, to disregard his other positions, not the least of which was the Office of the Speaker of the House, 1852-1854.

Macdonald was born on 12 December 1812 in St. Raphael's West, Upper Canada. His early childhood reflected an independent spirit -- twice he unsuccessfully attempted to run away from home.<sup>1</sup> The first phase of his education was completed at the local parish school. In 1828, at the age of 16, he left the school to become a clerk in a general store in Lancaster. His mercantile career was short, however, and late in 1832 he enrolled as a special student at the District Grammar School in Cornwall in preparation for the study of law.<sup>2</sup>

In the course of his legal studies, Macdonald articulated with a prominent Conservative lawyer, Archibald McLean from 1835-1837. McLean's appointment to the Court of King's Bench early in 1837 cut short Macdonald's association with him; as a consequence, Macdonald moved to Toronto with the intention of articling with another law office there.<sup>3</sup> The relocation did not take place immediately, however, as in the summer of 1837 he was commissioned as a Queen's messenger, quite probably on the strength of a recommendation by McLean. In this capacity, he was charged with carrying dispatches between the British embassy in Washington and the Lieutenant-Governor in Toronto.<sup>4</sup>

Before he could return to Toronto and to the study of law, however, Macdonald found himself faced with another diversion. In the fall of 1837, McLean arranged for Macdonald to accompany him as his clerk on his first judicial circuit.<sup>5</sup> Macdonald did so and, luckily, a diary he kept during this time survives. The diary not only documents the legal procedure of the period but also the society of Upper Canada. Likewise, it provides a glimpse of the inroads Macdonald was making into the political life of Upper Canada through his acquaintance with men such as Francis Baby, Allan Napier MacNab (then Speaker of the House) and, of course, McLean himself.<sup>6</sup> Upon completion of the Western circuit he returned to Toronto and completed his articles with William Henry Draper from 1838-1840. In 1838, Macdonald was commissioned as a lieutenant in the Queen's Light Infantry, a militia unit based there. Except for a brief interlude in 1839 when he



served with his infantry regiment in Windsor, he remained with the offices of the Attorney General for Upper Canada until the spring of 1840. At that time, he left Toronto to establish his own law office in the growing town of Cornwall. He married later in the same year.<sup>7</sup>

*The Union Act, 1840* (23 July 1840) brought with it changes to the political landscape; Upper and Lower Canada became one province with a new Assembly in which equal representation for both French and English Canadians was established.<sup>8</sup> The prominent political and social leaders of Glengarry County chose Macdonald to stand as their candidate in the first general election held under the Act. Several factors, including his mastery of the Gaelic dialect spoken in the area and his training under McLean and Draper, made him the perfect candidate to represent the views of constituents. A general election was called for late in 1841 and Macdonald was elected to the Assembly as the member for Glengarry a position he would hold throughout all eight of the united parliaments.<sup>9</sup>

During the course of the first united parliament, Macdonald often took positions on issues that were contrary to those held by his old tutor and now government leader Draper. He unsuccessfully tried, for example, to stop the Municipal Bill which provided for the replacement of the courts of quarter session with elected district councils.<sup>10</sup> In the same session, he opposed the passage of Draper's bill which called for easier naturalization of Americans. Despite the fact that he was himself married to an American, he argued that it would be easier to make the Niagara River flow up-stream than to make the Americans in Upper Canada into 'good subjects' of the province.<sup>11</sup> In September of 1842, he shifted his political loyalties away from the Conservatives and sided with the Reformers. Macdonald would later describe himself as a 'political Ishmaelite' as he maintained an allegiance to the Reformers but was not always satisfied with their approach to the issues which faced the House.<sup>12</sup>

He was returned to the House in 1844 becoming Robert Baldwin's principal advisor on the Eastern District. In the same year, Macdonald established the *Cornwall Freeholder* and used it as a platform from which to voice his Reform ideals, particularly on the issue of responsible government. His political role and, consequently, his importance grew steadily during the late 1840s, both in his riding and in the Assembly. He controlled patronage appointments within Glengarry and, soon developed a large political following. He was returned to the House by acclamation in 1849, a scene that was repeated in the general election of 1851. In 1849 he was appointed



Solicitor General for Canada West under the second Robert Baldwin-Louis H. Lafontaine administration.<sup>13</sup> Considering all these factors it is not surprising that Macdonald became a candidate for the office of Speaker in 1852.

Before the House met for the first time after the 1851 general election, it was rumoured that Macdonald was being considered for the position of Attorney General of Canada West. This rumour was unsubstantiated, however, and he was instead offered the office of Commissioner of Crown Lands -- an offer that was quickly withdrawn by Premier Francis Hincks, Baldwin's successor.<sup>14</sup> When the Assembly did convene in Quebec in 1852, Macdonald quickly surfaced as a possible candidate for the office of Speaker. Questions were raised about the state of his French; Macdonald admitted to speaking the language "tolerably well" but was initially "loathe to forego the floor for the chair."<sup>15</sup> The issue of his staunch Roman Catholicism did not surface at this time as an impediment to holding the Chair. Indeed, this seeming disregard by the members of the Assembly for Macdonald's religious sympathies is puzzling since it occurred during a well-documented period of conflict in the House over many issues involving religion.<sup>16</sup> In any case, he eventually accepted the nomination for speakership. It has been suggested that Macdonald realized that the nomination was a device with which to mollify him and reduce the threat of opposition from his followers in the House.<sup>17</sup> In due course, he was nominated for the office by Premier Hincks (an unusual event for the time) and easily won election to the office of Speaker by a vote of 55 to 23.<sup>18</sup>

Speaker Macdonald presided over a particularly long session; it was adjourned from 11 November 1853 to 14 February 1854, most likely due to the cholera epidemic in the city. During the course of the autumn 1853 sitting, the House dealt with several important issues and passed several acts including the *Grand Trunk Railway Act* and the *Representation Act, 1853* which increased the number of seats in the Assembly from 84 to 130.<sup>19</sup> The House did not, however, resolve the on-going debate regarding the secularization of clergy reserves but merely passed an address criticizing the inaction of the conservative Derby government in Britain.<sup>20</sup> It has been noted that throughout this session Macdonald executed his duties as Speaker with ease and even went so far as to take steps to improve his French.<sup>21</sup> The events of 1852-1853, however, were not to prove as demanding for Speaker Macdonald as those which occurred when the House resumed in June 1854.

Two mysterious fires that destroyed both the old Parliament buildings of Lower Canada and the convent that was to have been the temporary legislative quarters forced the postponement of the sitting until the last day permissible by law. When the session opened in the local Music Hall on 13 June 1854, the government quickly proceeded with its throne speech. It was an innocuous speech declaring the government intended to do little about the major issues facing the Assembly. Issues such as the clergy reserves and the abolition of seigneurial tenure in Lower Canada had to wait until a new House, whose membership was based on the guidelines contained in the new *Representation Act, 1853*, had been elected.<sup>22</sup> The opposition members vigorously debated the speech. In fact, after two amendments to the address in reply had been made, the opposition united and managed to bring down the government with a vote of 42 to 29.<sup>23</sup>

Two days later, Governor-General Lord Elgin, visited the Legislative Council with the express intent of dissolving parliament. After some deliberation and with the support of several members of the Assembly, Speaker Macdonald went to the Council chambers. Before Lord Elgin could deliver the closing address, the Speaker delivered a speech in which he challenged the constitutionality of the proceedings. Citing a legislative decision of 1841, he argued that as no act or other business had passed through the House, a session had not been constituted. It was, therefore, unconstitutional to dissolve a session that had not, by the Legislature's own definition, occurred. Upon completion of his speech in English, Speaker Macdonald then repeated the entire text in French -- not to outrage the Governor-General but rather to comply with the bilingual tradition Lord Elgin had himself instigated in 1848. Despite Macdonald's efforts, the prorogation of the session and the dissolution of Parliament followed quickly thereafter.<sup>24</sup>

Speaker Macdonald was aware of the controversy that was sure to surround his actions. In anticipation of such criticism he had Alpheus Todd, the assistant legislative librarian and a constitutional expert, investigate the historical grounds for his challenge. Todd reached the conclusion that Macdonald's actions were "amply vindicated" although he did admit that the position taken by the Speaker was "indeed more justifiable than I had supposed, before thoroughly investigating the question."<sup>25</sup> Todd cited precedents from Elizabethan, Stuart and Hanoverian parliamentary experience to support his view that



. . . the Speaker is justified and required to act on behalf of the House, as the exponent of their view and opinions, as well in ordinary cases wherein they cannot otherwise formally or legitimately make them known and also in extraordinary emergencies. . .<sup>26</sup>

The June dissolution, he indicated, was just such an "emergency."

In the ensuing election, Macdonald was again returned to the House by acclamation. The divisions that had manifested themselves within the Reform party during the last Assembly were mirrored in the parliament that met in September 1854. The Francis Hincks -- Augustin-Norbert Morin coalition which formed the government lasted only three days. On 8 September, both the Conservative and splinter Reform opposition combined to defeat it. Although Macdonald was considered a prominent member of the Reform party, he and his group of moderate or "Baldwinite" reformers were not called upon to form a government.<sup>27</sup> It was during this period that he became a champion of the concept of a "double majority," that is, where the government in power would function with the support of the majority of members from both Canada East and Canada West. Under such a situation there would generally be two ministers for each portfolio, one responsible for Canada East and another for Canada West. Macdonald had a chance to put these ideas into action when he and Louis-Victor Sicotte were called upon to form a ministry in the fall of 1859.<sup>28</sup>

The remaining years of Macdonald's political career are indeed worthy of note, however brief. On 24 May 1862, Macdonald became Attorney General for Canada West and Premier of the Province of Canada.<sup>29</sup> During the years of 1864-1867, he played a minimal role in the politics of the province and, although involved in the debates over such issues as the Quebec Resolutions and Confederation, he was generally relegated to the political sidelines.<sup>30</sup> Perhaps some irony can be found in the fact that even though he opposed Confederation, it was John Sandfield Macdonald who became the first Premier of the Province of Ontario under this union. He held this office until December 1871, when his government was forced to resign.<sup>31</sup> In May 1872 his health had deteriorated to the point where he attended few of the Assembly's sittings. He died in June of the same year at the age of 59.



## Notes

<sup>1</sup>Bruce W. Hodgins, *John Sandfield Macdonald: 1812 - 1872*, Canadian Biographical Studies (Toronto: University of Toronto Press, 1971), pp. 7-9; and idem, "John Sandfield Macdonald," in *The Pre-Confederation Premiers: Ontario Government Leaders, 1841 - 1867*, ed. J. M. S. Careless, Ontario Historical Studies Series (Toronto and Buffalo: University of Toronto Press, 1980), pp. 247-8.

<sup>2</sup>Hodgins, *John Sandfield Macdonald: 1812-1872*, pp. 5 - 7.

<sup>3</sup>George W. Spragge, "Introduction to A Diary of 1837," *Ontario History* 48 (1954): 1; and Hodgins, "John Sandfield Macdonald," p. 248.

<sup>4</sup>Spragge, "Introduction," p. 1; and Hodgins, *John Sandfield Macdonald: 1812-1872*, pp. 8-10.

<sup>5</sup>Spragge, "Introduction," p. 1.

<sup>6</sup>John Sandfield Macdonald, "A Diary of 1837," *Ontario History* 48 (1954): 8-10.

<sup>7</sup>Hodgins, *John Sandfield Macdonald: 1812-1872*, pp. 9-11.

<sup>8</sup>*The Union Act, 1840* (U.K.), 3-4 Vic., c. 35.

<sup>9</sup>Royce MacGillivray and Ewan Ross, *A History of Glengarry* (Belleville: Mika Publishing, 1979), pp. 62-63; J. C. Dent, *The Last Forty Years: The Union of 1841 to Confederation*, 2 vols., Carleton Library Series (Toronto: George Virtue, 1881; reprint, Toronto: McClelland and Stewart, 1972), pp. 39-40; and Hodgins, *John Sandfield Macdonald: 1812-1872*, p. 11.

<sup>10</sup>Hodgins, *John Sandfield Macdonald: 1812-1872*, p. 13.

<sup>11</sup>*Toronto Examiner*, 11 August 1841.

<sup>12</sup>Dent, *The Last Forty Years*, p. 40; and Hodgins, *John Sandfield Macdonald: 1812-1872*, p. 251.

<sup>13</sup>Hodgins, "John Sandfield Macdonald," pp. 251-254.

<sup>14</sup>Francis Hincks, *Reminiscences of Public Life* (Montreal: Hunter, Rose & Co., 1884), pp. 250-258; and J. M. S. Careless, *Brown of the Globe*, vol. 1: *The Voice of Upper Canada, 1818-1859* (Toronto: Macmillan, 1963), p. 149.

<sup>15</sup>John Sandfield Macdonald to Dr. E. J. Barker, letter, 27 December 1851, John Sandfield Macdonald Papers, Public Archives of Canada (PAC).

<sup>16</sup>Hodgins, "John Sandfield Macdonald," p. 247; idem, *John Sandfield Macdonald: 1812-1872*, pp. 23-25; and Charles Clarke, *Sixty Years in Upper Canada with Autobiographical Recollections* (Toronto: William Briggs, 1908), pp. 137-138.

<sup>17</sup>Hodgins notes that while Macdonald held the Chair, his followers often did vote in favour of the government. [Bruce W. Hodgins, "The Political Career of John Sandfield Macdonald" (Ph.D. diss., University of Toronto, 1964), pp. 116-118.]

<sup>18</sup>Province of Canada, Legislative Assembly, *Journals of the Legislative Assembly*, vol. 11, 1st Session, 4th Parliament (Quebec: Rollo Campbell, 1853), p. 2; Paul G. Cornell, *The Alignment of Political Groups in Canada, 1841-1867* (Toronto: University of Toronto Press, 1962), pp. 32-33; and Careless, *Brown of the Globe*, vol. I, p. 192.

At the time, Henry Smith, Opposition member for Frontenac, suggested that Hincks' nomination of Macdonald came from a fear of him and his supporters and that it "was meant as a *douceur*." [*Globe and Mail*, 24 August 1852 as quoted in Hodgins, "The Political Career of John Sandfield Macdonald," p. 116.]

<sup>19</sup>Hodgins, *John Sandfield Macdonald: 1812-1872*, pp. 25-26.

<sup>20</sup>Idem, "The Political Career of John Sandfield Macdonald," p. 118.

<sup>21</sup>Idem, "John Sandfield Macdonald," p. 256.

<sup>22</sup>Idem, "The Political Career of John Sandfield Macdonald," pp. 133-134.

<sup>23</sup>Idem, *John Sandfield Macdonald: 1812-1872*, p. 27.

<sup>24</sup>Province of Canada, Legislative Assembly, *Journals of the Legislative Assembly*, vol. 12, 2nd Session, 4th Parliament (Quebec: Rollo Campbell, 1854), p. 31; Hodgins, *John Sandfield Macdonald: 1812-1872*, pp. 27-28; and Careless, *Brown of the Globe*, vol. 1, pp. 184-187.

<sup>25</sup>Alpheus Todd to John Sandfield Macdonald, "Opinion upon the Speech of Mr. Speaker Macdonald to His Excellence the Governor at the Prorogation of the Provincial Parliament, in June 1854," 6 July 1854, John Sandfield Macdonald Papers, PAC.

<sup>26</sup>Ibid., attachment to letter, p. 3.

<sup>27</sup>On the development and use of the term 'Baldwinite' reformer, see: "A Letter on the Reform Party, 1860: Sandfield Macdonald and the *London Free Press*," introduced by Bruce W. Hodgins and Elwood H. Jones, *Ontario History* 57 (1965): 41-42; and Hodgins, *John Sandfield Macdonald: 1812-1872*, pp. 29-30.

<sup>28</sup>Hodgins, "John Sandfield Macdonald," pp. 259-263.

<sup>29</sup>J. O. Côté, *Political Appointments and Elections in the Province of Canada from 1841 to 1865* (Québec: St. Michel & Darveau, 1860), pp. 5, 20, 46.

<sup>30</sup>Hodgins, "John Sandfield Macdonald," pp. 263-269; and idem, *John Sandfield Macdonald: 1812-1872*, pp. 75-88 passim.

<sup>31</sup>*Globe and Mail*, 20 December 1871, as quoted in Hodgins, *John Sandfield Macdonald: 1812-1872*, p. 116.



*Louis-Victor Sicotte*



**Louis-Victor Sicotte**  
**1854-1857**  
*Portrait by Théophile Hamel*

## LOUIS-VICTOR SICOTTE

Louis-Victor Sicotte was born on 6 November 1812 at Boucherville, Lower Canada. He received his secondary education at the Séminaire de Saint-Hyacinthe, which he attended from 1822 to 1829. After his departure from the Séminaire, he turned his attentions to the study of law and articulated in the offices of Larocque, Bernard et C<sup>ie</sup> in Montreal. He was called to the Quebec Bar on 28 December 1838.<sup>1</sup>

In the years before his entrance into the provincial Assembly, Sicotte was involved with many different projects, the majority of which reflected his own Patriote or nationalist sentiments. It is known, for example, that he served as secretary-treasurer of the politically-oriented social organization called "Aide-toi, le Ciel t'aidera" which first introduced Saint Jean-Baptiste Day as the national festival of French Canadians.<sup>2</sup> In addition, although there is no evidence to suggest that he actively participated in any of the uprisings, it is quite likely that he took at least a passive role in the Rebellion of 1837. Not all of Sicotte's early interests lay in politics, however. In 1838, he settled in Saint-Hyacinthe and established his own law office. He continued to practice law during and, in 1854, was made a Queen's Counsel.<sup>3</sup>

Sicotte's first attempt at winning a seat in the Assembly came in 1848; ironically, he was defeated in this election by a fellow Reform candidate. He made a second and more successful attempt in 1851 and was returned to the House as the representative for his home constituency of Saint-Hyacinthe. He held this seat for 11 years.<sup>4</sup> Sicotte took a great interest in the daily business of the House and soon distinguished himself as an ardent Reformer who championed French-Canadian causes. For example, on 22 February 1853 he was appointed chairman of a parliamentary committee responsible for submitting a report on the status of education in Canada East. The committee submitted its report three months later but only after having sought the opinions of both Protestant and Roman Catholic clergy on the matter. While the report outlined the favourable climate for educational reform which existed in Canada East, the government took no immediate action.<sup>5</sup>

On 17 August 1853, Sicotte's growing prominence and importance in the Assembly was confirmed when government leader Augustin-Norbert Morin offered him a seat in the Cabinet as Commissioner of Crown Lands. Sicotte accepted the office but resigned only eight days later over the



administration's reluctance to address the issues of the abolition of seigneurial tenure and the secularization of the clergy reserves.<sup>6</sup> In fact, it was he who, on 20 June 1854, proposed a motion of non-confidence based on the government's slow movement on precisely these matters. While his initial motion was narrowly defeated, a similar one was passed later the same day by a vote of 42 to 29.<sup>7</sup>

Sicotte was re-elected to the House in 1854 and quickly rose to prominence once again. When the fifth parliament opened on 5 September 1854, he was elected to the Speakership over the government's candidate, George-Étienne Cartier.<sup>8</sup> While Francis Hincks, the government leader, did not favour Sicotte's nomination he also did not favour that of the incumbent Speaker, John Sandfield Macdonald. Thus, in order to keep Sandfield Macdonald from the Chair for a second term, Hincks threw his support behind Sicotte. The Reformer's election to the Chair did not lessen the problems of the administration but signalled its demise. Within two days, the government was defeated on a motion of non-confidence.<sup>9</sup> The new administration did not force Sicotte to relinquish the Chair and he presided over the Chamber until 1857.

While the House debated a myriad of issues during Sicotte's term in the Chair, those pertaining to the political state of the province figured prominently in the daily agenda. Several attempts were made to introduce legislation which would establish vote by ballot for elections of the members of the Legislative Assembly. Although this question was debated throughout the sessions, no relevant legislation was passed.<sup>10</sup> More successful was the Assembly's debate on the nature of the Legislative Council. A bill to amend *The Union Act, 1840* and to render the Legislative Council an elective rather than an appointed body was passed during the first session.<sup>11</sup> Not surprisingly, this bill did not receive Royal Assent and a second attempt to introduce similar legislation occurred in the following session. This time, Royal Assent was reserved.<sup>12</sup> It was not until the third session of this parliament that Royal Assent was actually given.<sup>13</sup>

The most important issue of Sicotte's tenure was the choice of a permanent seat of government for the Assembly. More than 60 petitions requesting that a choice be made were submitted to the House, with most coming from Lower Canada. The often emotional debate over which cities should be considered for the honour and where the interim Assembly would be held dominated all three sessions. Ultimately, it was resolved that an address would be sent to Queen Victoria requesting that she choose from among the



following cities: Toronto, Quebec, Montreal, Ottawa, Kingston and Hamilton.<sup>14</sup>

Social and administrative legislation also merited the attention of the House during this period. A bill to appropriate moneys from the sale of clergy reserves for municipal purposes received passage.<sup>15</sup> Legislation providing for the expansion of judicial jurisdiction<sup>16</sup> and for the codification of the Civil Law of Lower Canada<sup>17</sup> was passed through the House. Also during this period, the town of Oakville received its Act of Incorporation,<sup>18</sup> as did the Toronto Exchange<sup>19</sup> and St. Michael's College.<sup>20</sup>

Sicotte's election to the Speakership was merely the beginning of a distinguished parliamentary career. During the following six years, he served as a member of the Executive Council on no fewer than three occasions.<sup>21</sup> Moreover, he was returned to the House by acclamation in 1857 and, on 25 November 1857, was offered the Cabinet post of Commissioner of Crown Lands due to the resignation of Étienne-Paschal Taché. He held this office until 1 August 1858.<sup>22</sup> Although he was offered a ministerial position in the George Brown -- A.A. Dorion administration in 1858, he rejected this offer because of and his political ideals and his personal dislike of Brown.<sup>23</sup> However, with the defeat of the Brown-Dorion coalition in the fall of the same year, Sicotte returned to the inner circle as Commissioner of Public Works in the G. E. Cartier -- John A. Macdonald cabinet. He held this portfolio until 10 January 1859, when he resigned his appointment over the government's decision to accept Queen Victoria's choice of Ottawa as the capital. As did many other Members of the House, Sicotte felt that Ottawa was an inappropriate choice for the capital city of a thriving political union. Shortly after handing in his resignation, Sicotte mounted a campaign to reverse Queen Victoria's decision and even moved a want of confidence motion against the government on this issue. It was only through the efforts of future Speaker Richard William Scott that Sicotte's motion was defeated and Ottawa's new political status was affirmed.<sup>24</sup>

With his departure from the Cabinet, Sicotte became the leader of the Opposition from Canada East and, in May 1862, formed a coalition government with John Sandfield Macdonald. He held the office of Attorney General for Canada East until this administration was defeated by a motion of non-confidence on 8 May 1863.<sup>25</sup> When he was returned to the House later that year, he took steps to overthrow the new Sandfield Macdonald -- Dorion administration. Shortly after the opening of the first session, he

unsuccessfully moved a motion of non-confidence against the government. In any event, he did not remain in the House long enough to pursue the issue further. In what was seen as an attempt to muzzle Sicotte, he was appointed to the bench of the Superior Court for the Saint-Hyacinthe District on 5 September 1863. He presided over this court for almost 25 years, resigning the appointment on 7 November 1887.<sup>26</sup>

Louis-Victor Sicotte died on 5 September 1889 at Saint-Hyacinthe, Quebec.

## NOTES

<sup>1</sup>George MacLean Rose, ed., *A Cyclopedia of Canadian Biography* (Toronto: Rose Publishing Co., 1888), p. 438; Pierre-Georges Roy, ed., *Les Juges de la province de Québec* (Québec: Service des Archives du Gouvernement de la province de Québec, 1933), p. 503; and "Louis-Victor Sicotte," *Dictionary of Canadian Biography*, vol. 11 (Toronto: University of Toronto Press, 1982), p. 821.

<sup>2</sup>Robert Rumilly, *Histoire de Montréal*, vol. 2 (Montréal: Éditions Fides, 1970), p. 199; Rose, *Cyclopedia of Canadian Biography*, p. 439; and *Dictionary of Canadian Biography*, vol. 11, p. 821.

<sup>3</sup>*Ibid.*; Roy, *Les Juges de la province de Québec*, p. 503; and J. O. Côté, *Political Appointments and Elections in the Province of Canada from 1841 to 1865* (Québec: St. Michel & Darveau, 1860), p. 125.

<sup>4</sup>Joseph Desjardins, *Guide parlementaire historique de la province de Québec, 1792 à 1902* (Quebec: Hunter, Rose & Co., 1902), p. 165; J. M. S. Careless, *The Union of the Canadas: The Growth of Canadian Institutions, 1841-1857*, Canadian Centenary Series (Toronto: McClelland and Stewart, 1967), pp. 186-187; Roy, *Les Juges de la province de Québec*, p. 503; and Rose, *Cyclopedia of Canadian Biography*, p. 438.

<sup>5</sup>*Dictionary of Canadian Biography*, vol. 11, p. 822. See also: Province of Canada, Legislative Assembly, *Journals of the Legislative Assembly*, vol. 11, 1st Session, 4th Parliament (Quebec: Rollo Campbell, 1853), *passim*.

<sup>6</sup>Robert Rumilly, *Papineau et son temps*, vol. 2 (Montréal: Éditions Fides, 1977), pp. 417-418; Desjardins, *Guide parlementaire*, p. 34; Côté, *Political Appointments*, p. 19; and Rose, *Cyclopedia of Canadian Biography*, p. 438.

<sup>7</sup>Paul G. Cornell, *The Alignment of Political Groups in Canada, 1841-1867* (Toronto: University of Toronto Press, 1962), pp. 34-35; J. M. S. Careless, *Brown of the Globe*, vol. 1: The Voice of Upper Canada, 1818-1859 (Toronto: Macmillan, 1963), p. 186.

<sup>8</sup>Province of Canada, Legislative Assembly, *Journals of the Legislative Assembly*, vol. 13, 1st Session, 5th Parliament (Quebec: Rollo Campbell, 1854), pp. 2-3; and Rumilly, *Histoire de Montréal*, vol. 2, p. 348.

<sup>9</sup>Careless, *The Union of the Canadas*, p. 192; idem, *Brown of the Globe*, vol. 1, p. 192; Rumilly, *Papineau et son temps*, p. 430; Cornell, *The Alignment of Political Groups*, p. 68; and Rose, *Cyclopedia of Canadian Biography*, p. 438.

<sup>10</sup>Province of Canada, Legislative Assembly, *Journals of the Legislative Assembly*, vol. 13, 1st Session, 5th Parliament, pp. 240, 949, 1256; and idem, *Journals of the Legislative Assembly*, vol. 14, 2nd Session, 5th Parliament (Toronto: Rollo Campbell, 1856), p. 82.

<sup>11</sup>Idem, *Journals of the Legislative Assembly*, vol. 13, 1st Session, 5th Parliament, pp. 701, 760, 766, 803, 913, 1010, 1052, 1083-1087, 1093, 1094, 1095.

<sup>12</sup>Idem, *Journals of the Legislative Assembly*, vol. 14, 2nd Session, 5th Parliament, pp. 115, 146, 149, 173, 191-193, 194, 372, 374, 466, 528.

<sup>13</sup>Idem, *Journals of the Legislative Assembly*, vol. 15, 3rd Session, 5th Parliament (Toronto: Rollo Campbell, 1857), p. i.

<sup>14</sup>Idem, *Journals of the Legislative Assembly*, vol. 13, 1st Session, 5th Parliament, pp. 285, 294, 295, 298, 733, 738, 740, 742, 743, 744, 745; and idem, *Journals of the Legislative Assembly*, vol. 14, 2nd Session, 5th Parliament, pp. 322, 323, 327, 328, 329.

<sup>15</sup>Idem, *Journals of the Legislative Assembly*, vol. 13, 1st Session, 5th Parliament, pp. 193, 219, 220, 257-262, 267-273, 274, 303, 304, 320, 383, 384, 385, 485, 582.

<sup>16</sup>*Ibid.*, pp. 141, 164, 166, 649, 1223, 1234, 1266.



<sup>17</sup>Idem, *Journals of the Legislative Assembly*, vol. 15, 3rd Session, 5th Parliament, pp. 60, 239, 516, 517, 544, 571, 630, 721.

<sup>18</sup>Ibid., pp. 27, 59, 65, 146, 212, 247, 258, 380, 526.

<sup>19</sup>Idem, *Journals of the Legislative Assembly*, vol. 13, 1st Session, 5th Parliament, pp. 95, 116, 117, 314, 457, 461, 534, 584.

<sup>20</sup>Ibid., pp. 147, 153, 160, 210, 213, 214, 836, 841, 842, 941, 1155.

<sup>21</sup>Côté, *Political Appointments*, p. 20.

<sup>22</sup>Rumilly, *Papineau et son temps*, p. 466; Côté, *Political Appointments*, p. 6; Rose, *Cyclopedia of Canadian Biography*, p. 438; Roy, *Les Juges de la province de Québec*, p. 503; Desjardin, *Guide parlementaire*, p. 36; and Cornell, *The Alignment of Political Groups*, p. 46.

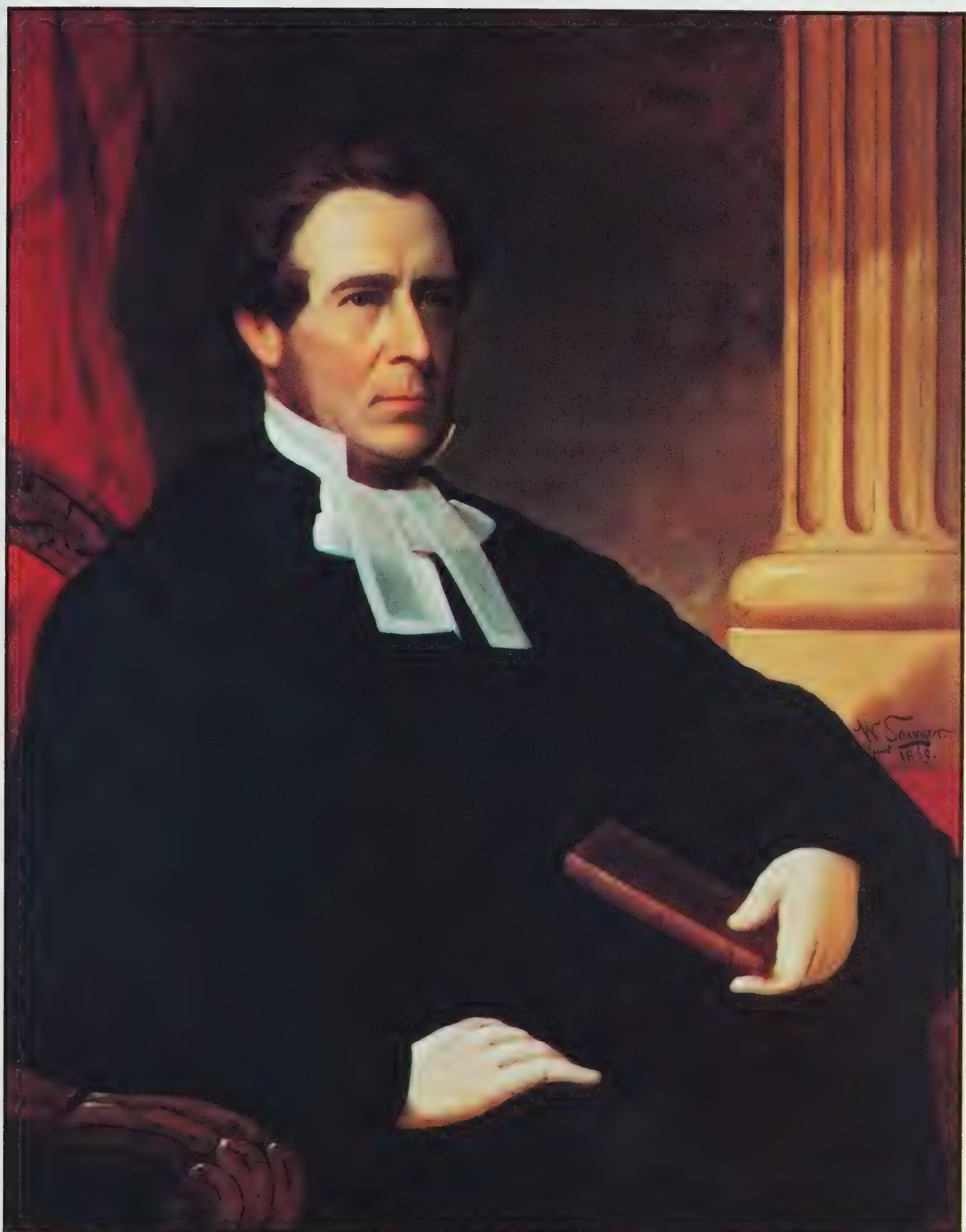
<sup>23</sup>Rumilly, *Papineau et son temps*, pp. 509-513; and *Dictionary of Canadian Biography*, vol. 11, p. 822.

<sup>24</sup>Richard William Scott, *The Choice of the Capital: Reminiscences Revived on the Fiftieth Anniversary of the Selection of Ottawa as the Capital of Canada by Her Late Majesty* (Ottawa: The Mortimer Company, 1907), p. 36; Wilfred Eggleston, *The Queen's Choice: A Story of Canada's Capital* (Ottawa: The National Capital Commission, 1961), pp. 109-110; "Louis-Victor Sicotte," *The Macmillan Dictionary of Canadian Biography* (Toronto: Macmillan, 1963), p. 690; Rose, *Cyclopedia of Canadian Biography*, p. 438; Roy, *Les Juges de la province de Québec*, p. 503; Desjardins, *Guide parlementaire*, p. 37; Careless, *Brown of the Globe*, vol. 1, p. 291; Rumilly, *Papineau et son temps*, p. 481; and Côté, *Political Appointments*, p. 6.

<sup>25</sup>Careless, *Brown of the Globe*, vol. 2: *Statesman of Confederation, 1860-1880*, pp. 66, 84, 99; Côté, *Political Appointments*, p. 5; Rose, *Cyclopedia of Canadian Biography*, p. 438; Rumilly, *Papineau et son temps*, pp. 503-504; and Cornell, *The Alignment of Political Groups*, p. 50.

<sup>26</sup>Careless, *Brown of the Globe*, vol. 2, p. 100; Rose, *Cyclopedia of Canadian Biography*, p. 439; Roy, *Les Juges de la province de Québec*, p. 503; and *Dictionary of Canadian Biography*, vol. 11, p. 823.

*Henry Smith Jr.*



**Henry Smith Jr.**

**1858-1861**

*Portrait by William Sawyer*



## **HENRY SMITH JR.**

The role of the office of Speaker in the daily business of the Legislative Assembly during the pre-Confederation period is readily discerned from the Journals. The importance of the office to the agenda of political groups and individuals, however, is more difficult to ascertain. On the one hand, election to the Chair was sometimes used by the dominant political group to mollify, to reward or even to punish one of its own. Indeed, while impartiality was perceived as a necessary characteristic for anyone who occupied the Chair, this same principle was often cast aside during the selection of candidates. On the other hand, holding the office of Speaker often denoted a significant change in an individual political career. For some it was the high point of the parliamentary career; for others, the Speakership was a stepping-stone to higher offices. In the case of Henry Smith Jr., his election to the office of Speaker was, in fact, akin to a disciplinary action and signalled the beginning of the end of his legislative career.

Smith was born on 23 April 1812 in London, England. His family emigrated to Lower Canada before 1818 and, for a brief period, settled in Montreal. Here he attended Dr. Benjamin Workman's private school. The Smiths did not remain in Montreal long and eventually relocated to Kingston in Upper Canada. Smith completed his education at the Midland District Grammar School where he became acquainted with John Alexander Macdonald.<sup>1</sup>

After finishing school, Smith undertook the study of law. He articulated in Kingston with Alexander Hagerman, the local Family Compact leader. As a teenager, Smith had acted as one of Hagerman's campaign workers; it was this early foray into political life which had not only introduced the two men but led to Hagerman accepting Smith as a student. When Hagerman was temporarily promoted to the judiciary, Smith transferred his studies to the offices of Thomas Kirkpatrick, another local and influential lawyer.<sup>2</sup> He was called to the Bar around 1833.<sup>3</sup>

Smith's friendship with John A. Macdonald continued into his years of legal practice and later of politics. In 1838 the two Kingston lawyers collaborated in the defense of John Ashley. Smith acted as senior counsel in the matter and Macdonald as junior. Ashley, the jailer of Fort Henry, had been arrested without a warrant for allegedly allowing eight prisoners to escape detention. Although there was no evidence that Ashley had played any part in the escape, Colonel Henry Dundas, commander of the fort, had arrested him. Smith and Macdonald argued that the lack of evidence and absence of



a warrant made Ashley's arrest highly irregular. Furthermore, they argued that due to these irregularities Ashley should be released from what was becoming a lengthy captivity. While the court found Ashley's arrest to be justifiable, Smith and Macdonald succeeded in winning £200 in damages for their client.<sup>4</sup>

Smith also collaborated with Macdonald in other matters. Both men were created Queen's Counsel on 19 December 1846<sup>5</sup> and both were among the founding members of the Cataraqui Club. The Club, modelled on the Wistar Association of Philadelphia, was incorporated in 1848 as a discussion group. The Club's founders were also intent on establishing a library in Kingston.<sup>6</sup>

Smith was first elected to the Legislative Assembly in 1841 as the representative for Frontenac. While it has been suggested that he was "an effective though not a prominent parliamentarian," his 20-year sojourn in the House was not without incident.<sup>7</sup> For instance, in 1848 and 1849, he gained notoriety from his connections to the Kingston Penitentiary scandal. His father, Henry Smith Sr., had been appointed warden of the penitentiary in 1835.<sup>8</sup> After his election to the House, Smith Jr. had defended the interests of the penitentiary and its warden. In 1846 he had initiated a bill which increased the warden's salary and power while reducing that of the deputy warden. As a result of the bill's passage, the prison inspectors resigned and new inspectors who were sympathetic to Warden Smith and his policies were appointed.<sup>9</sup> Two years later the situation regarding Warden Smith and his practices came to a head. In 1848 a parliamentary committee was established to inquire into the accusations of cruelty, mismanagement and favouritism which had been brought against the senior Smith. George Brown, a Reformer, was the committee's secretary. Despite the attempts of John A. Macdonald to defend the warden's behaviour, disclosures of sadistic and unwarranted punishment and financial mismanagement eventually led to Warden Smith's dismissal.<sup>10</sup>

In spite of such negative publicity about his father, the political career of Henry Smith Jr. continued to progress successfully, although in a circumscribed manner. It has been suggested that his political ascent occurred not out of any particular political ability on Smith's part, but rather due to his usefulness to the Upper Canadian Conservatives during the late 1840s and early 1850s. As Swainson notes, "he was one of the few moderate Tories able to hold his seat between 1848-54."<sup>11</sup> In any case, he continued to be involved in the daily business of the House and also assisted Macdonald with the management of the Eastern District during this period.

In addition, from 11 September 1854 until 24 February 1858 he held the office of Solicitor General for Upper Canada.<sup>12</sup> It was Smith who, in March 1857, introduced the Independence of Parliament Bill which made the famous "double shuffle" of 1858 possible.<sup>13</sup>

Smith was re-elected to the Assembly in 1858 but he was not returned to the post of Solicitor General for Upper Canada. Instead, Smith was put forward as the government candidate for the lesser-paid office of Speaker. This action provoked anger amongst both opposition and some government members. Under responsible government it had been traditional to nominate a candidate which could carry the confidence of both the opposition and government members.<sup>14</sup> Predictably, Smith's candidacy met with a great deal of opposition. On 23 February 1858, an article printed in *The Globe* suggested that Smith's nomination was a blatant attempt by the government to save him embarrassment as it did not seem he could survive another term as Solicitor General.<sup>15</sup> Most important, however, was the opposition that Smith encountered during the vote. Although he was elected to the Chair by a vote of 79 to 42, many Upper Canadian government members voted against him.<sup>16</sup>

During Smith's term in the Chair, the House discussed many political, social and economic issues. Early in the first session, a bill to introduce representation by population regardless of existing Upper and Lower Canada boundaries was put before the House. As quickly as the motion was introduced, however, it was defeated.<sup>17</sup> Due to the great number of elections disputed in 1858, legislation to amend the electoral law, to provide for voter registration and voting by ballot was introduced and passed.<sup>18</sup> The abolition of seigneurial rights and duties in Lower Canada also merited a great deal of the Assembly's attention during this period.<sup>19</sup>

In the course of the third session, a non-confidence motion was brought against the government.<sup>20</sup> On 26 March 1860 the Upper Canadian members used this procedure to voice their dissatisfaction with the largely French-Canadian government's dispensing of patronage. They stated that the government's Upper Canadian appointments were made "on the advice of those representing the minority, and in opposition to the feelings and wishes of the majority of the electors of Upper Canada."<sup>21</sup> An emotional debate ensued and several amendments to the motion were proposed. In the end, it was resolved that the administration did have the confidence of the House. Nevertheless, the 70 to 44 vote in support of this motion indicated that the support was far from unanimous.<sup>22</sup>



Perhaps the most intriguing episode of Smith's term in the Chair had more to do with diplomacy than parliamentary procedure. In 1859, a two-mile long bridge spanning the St. Lawrence at Montreal was completed as part of the construction of the Grand Trunk Railroad. Shortly thereafter, the Assembly resolved to invite Queen Victoria to come to Canada and preside over the opening of the bridge, which was to be named in her honour.<sup>23</sup> The normal procedure in such a case would have been for the Governor-General, Sir Francis Bond Head, to forward the invitation. However, the Assembly had further resolved that Speaker Smith should convey the address to Her Majesty in person. Thus, in the summer of 1859, Smith visited England to deliver the address. The Queen declined the invitation but agreed to send the Prince of Wales to the ceremony as the Crown's representative.<sup>24</sup> Not all members of the House were convinced that the sole purpose of Smith's journey was parliamentary. Several opposition and government members opined that the Speaker's trip was little more than a personal attempt to secure a knighthood. Alas, Smith was not knighted during his visit to England although such an honour was bestowed upon the Speaker of the Barbados House of Assembly during the same period.<sup>25</sup> In fact, he did not receive his knighthood until 21 August 1860, during the Prince of Wales' royal tour. By this time however, he had suffered a great deal of negative and damaging publicity over the incident.<sup>26</sup>

Smith was not returned to the Assembly in 1862. The publicity surrounding his alleged quest for a knighthood had severely tried his friendship with John A. Macdonald and the two severed their political and social ties. Smith unsuccessfully attempted to gain re-election to the Assembly again in 1863. In 1867 he was more successful and was elected to the first provincial legislature as the member for Frontenac. However, early in 1868 Smith became ill and did not recover. He died on 18 September 1868 at Kingston, Ontario.

### Notes

<sup>1</sup>Henry J. Morgan, *Sketches of Celebrated Canadians* (London: Hunter, Rose and Co., 1862), pp. 622-623; Donald Swainson, "Sir Henry Smith and the Politics of the Union," *Ontario History* 65 (1974): 161-162; and "Sir Henry Smith," *Dictionary of Canadian Biography*, vol. 9 (Toronto: University of Toronto Press, 1976), p. 725.



<sup>2</sup>Swainson, "Sir Henry Smith," p. 162; and *Dictionary of Canadian Biography*, vol. 9, p. 725.

<sup>3</sup>While the Barristers' Roll of the Law Society of Upper Canada Archives gives the date of Smith's admittance to the Bar as 1833, the entries in the *Dictionary of Canadian Biography* [vol. 9, p. 725] and Swainson [p. 163] give the year as 1834. Morgan cites 1836 as the year of Smith's call to the Bar [p. 623].

<sup>4</sup>Donald Creighton, *John A. Macdonald: The Young Politician* (Toronto: Macmillan, 1952), pp. 56-58; Brian S. Osborne and Donald Swainson, *Kingston: Building on the Past* (Westport, Ont.: Butternut Press, 1988), p. 72; and Swainson, "Sir Henry Smith," p. 163.

<sup>5</sup>Morgan, *Sketches*, pp. 623-624; Creighton, *John A. Macdonald*, p. 118; Swainson, "Sir Henry Smith," p. 163; and *Dictionary of Canadian Biography*, vol. 9, p. 725.

<sup>6</sup>Macdonald Papers, vol. 336, pt. 1, p. 152483 as quoted in *The Papers of the Prime Ministers*, vol. 1: The Letters of Sir John A. Macdonald 1836-1857, ed. J. K. Johnson (Ottawa: Public Archives of Canada, 1968), p. 21; Swainson, "Sir Henry Smith," p. 163; and *Dictionary of Canadian Biography*, vol. 9, pp. 725-726.

<sup>7</sup>*Dictionary of Canadian Biography*, vol. 9, p. 726.

<sup>8</sup>J. M. S. Careless, *Brown of the Globe*, vol. 1: The Voice of Upper Canada, 1818-1859 (Toronto: Macmillan, 1963), p. 79; Osborne and Swainson, *Kingston*, p. 85; Swainson, "Sir Henry Smith," p. 166; and *Dictionary of Canadian Biography*, vol. 9, p. 726.

<sup>9</sup>Careless, *Brown of the Globe*, vol. 1, p. 79; and Swainson, "Sir Henry Smith," p. 166.

<sup>10</sup>Careless, *Brown of the Globe*, p. 81; Creighton, *John A. Macdonald*, p. 159; and *Dictionary of Canadian Biography*, vol. 9, p. 725. See also: J. Edminson, "The History of Kingston Penitentiary," *Historic Kingston* 3 (November 1954): 26-35.

<sup>11</sup>Swainson, "Sir Henry Smith," p. 167.

<sup>12</sup>Commission appointing Henry Smith Jr., Esq. to be Solicitor-General for Canada West, 11 September 1854, Sir Henry Smith Papers, Archives of Ontario. See also: J. O. Côté, *Political Appointments and Elections in the Province of Canada from 1841 to 1865* (Québec: St. Michel & Darveau, 1860), p. 5; Osborne and Swainson, *Kingston*, pp. 85, 270; Careless, *Brown of the Globe*, p. 222; Morgan, *Sketches*, p. 624; and Swainson, "Sir Henry Smith," p. 167.

<sup>13</sup>Province of Canada, Legislative Assembly, *Journals of the Legislative Assembly*, vol. 15, 3rd Session, 5th Parliament (Toronto: Rollo Campbell, 1857), pp. 60, 130, 155, 176, 177, 261, 300; and Swainson, "Sir Henry Smith," p. 167.

<sup>14</sup>Swainson, "Sir Henry Smith," p. 168.

<sup>15</sup>*The Globe*, 23 February 1858.

<sup>16</sup>Province of Canada, Legislative Assembly, *Journals of the Legislative Assembly*, vol. 16, 1st Session, 6th Parliament (Toronto: Rollo Campbell, 1858), p. 2; Lillian F. Gates, *After the Rebellion: The Later Years of William Lyon Mackenzie* (Toronto: Dundurn Press, 1988), p. 293; Swainson, "Sir Henry Smith," p. 168; and Morgan, *Sketches*, p. 624.

<sup>17</sup>Idem, *Journals of the Legislative Assembly*, vol. 16, 1st Session, 6th Parliament, p. 121.

<sup>18</sup>Ibid., pp. 181-189, 354; and idem, *Journals of the Legislative Assembly*, vol. 17, 2nd Session, 6th Parliament (Toronto: Rollo Campbell, 1859), pp. 151, 188, 331, 332, 400, 405-406, 482.

<sup>19</sup>Ibid., pp. 325, 353-356, 383, 385, 408, 425, 426.

<sup>20</sup>See: Idem, *Journals of the Legislative Assembly*, vol. 18, 3rd Session, 6th Parliament (Toronto: Rollo Campbell, 1860), pp. 89, 95, 101, 105, 106, 107, 108.

<sup>21</sup>Ibid., p. 105.

<sup>22</sup>Ibid., pp. 106-108.

<sup>23</sup>Idem, *Journals of the Legislative Assembly*, vol. 17, 2nd Session, 6th Parliament, pp. 583, 584, 587, 588.

<sup>24</sup>Swainson, "Sir Henry Smith," p. 169; and Creighton, *John A. Macdonald*, p. 298.

<sup>25</sup>Swainson, "Sir Henry Smith," p. 169.

<sup>26</sup>Ibid., pp. 170-171; Creighton, *John A. Macdonald*, p. 300; Morgan, *Sketches*, p. 625; and *Dictionary of Canadian Biography*, vol. 9, p. 726.



*Joseph-Édouard Turcotte*



**Joseph-Édouard Turcotte**  
**1862-1863**  
*Portrait by Théophile Hamel*

## JOSEPH-ÉDOUARD TURCOTTE

Joseph-Édouard Turcotte was born on 10 October 1808 at Gentilly, Lower Canada. He received his education at the Séminaire de Nicolet which he attended from 1821 until 1829. In 1831, shortly after entering the priesthood, he lost his right arm in an accident. Although there is no formal evidence to establish a connection between the two events, it would appear that this accident precipitated Turcotte's decision to leave the seminary and to undertake the study of law. He articulated at the offices of Elzéar Bédard in Quebec.<sup>1</sup>

His first attempt at gaining political office was unsuccessful. In 1835 he ran as a Patriote candidate in a Nicolet by-election and was defeated by a local farmer.<sup>2</sup> After this initial setback, Turcotte abandoned politics in order to continue his legal career. In 1836 he was called to the Bar and moved to Quebec where he established his legal practice.

During the years before his election to the Assembly in 1841, Turcotte became involved in the Patriote party and its nationalist causes. He had taken a small role in the Rebellion of 1837 and became a staunch opponent of the union of the provinces. In 1841, he was elected to the first union parliament as the member for Saint-Maurice and as an anti-unionist.<sup>3</sup> The irregularities which marred Turcotte's election were typical of many which occurred during the first general election under *The Union Act, 1840*. The returning officer for Saint-Maurice was a close friend of his opponent, Colonel Gury. In an attempt to secure the election for Gury, the returning officer conducted the poll in an ingenious way: he asked "que ceux qui sont pour M. Gury ou pour M. Turcotte lèvent la main" and then proceeded to count all votes for Gury. Turcotte and his supporters were able to counteract this action but only by forcibly taking over the poll themselves.<sup>4</sup>

During the course of the first union parliament, Turcotte became the focus of controversy. In December 1841 he accepted the paid government post of translator of laws and, six months later, took that of secretary to the commission on seigneurial tenure. His willingness to fulfil these roles created an uproar amongst several Members. Many argued that by accepting these positions, he was not living up to the nationalist ideals he had espoused while campaigning. In short, the members questioned his ability both to be employed by and to oppose the government. As a result of their persistent demands that Turcotte resign his seat, a by-election was called for

Saint-Maurice. Turcotte was easily re-elected and returned to the House in July 1842.<sup>5</sup>

He did not fare as well in the general elections of 1843-1844, however, and was defeated. But Turcotte's fortunes changed in 1847 and he was returned to the Assembly. On his return to the House he once more found himself to be the object of controversy. As before, charges of opportunism were levelled at Turcotte for while he had counted himself among those members who opposed the government's proposed school tax, he readily accepted the post of Solicitor General for Lower Canada on 8 December 1847. He held this office until 10 March 1848 when he was defeated in the general elections.<sup>6</sup>

He was re-elected to the Assembly in 1851 as the member for Saint-Maurice, in 1854 for Maskinongé, and in 1861 for Trois-Rivières.<sup>7</sup> In addition to pursuing a career in the House, Turcotte was also involved in other ventures. He had been made a Queen's Counsel in 1847 and continued to expand his legal practice in Quebec.<sup>8</sup> Furthermore, he served as the Mayor of Trois-Rivières from 1857 to 1863; during this period he was the driving and financial force behind many of the public works projects carried out in the area.<sup>9</sup>

When the seventh parliament convened in 1862, Turcotte was elected its Speaker by a vote of 66 to 53.<sup>10</sup> His term in the Chair was brief, lasting only two sessions instead of the usual three or four. Nevertheless, the House addressed many issues during his tenure, in particular those related to the development of transportation systems. The Journals for this period show that the Assembly received and reviewed several petitions from the growing number of railway companies operating in the province. Some petitions, like those submitted by the Brockville and Ottawa Railroad Company, the Cobourg and Peterborough Railroad and the Montreal and Champlain Railroad Company, requested permission to issue preferred stock in order to raise capital for expansion.<sup>11</sup> The majority of the remaining petitions were requests from groups such as the Massawippi Railroad Company for permission to incorporate.<sup>12</sup> In addition to these questions, the Assembly dealt with the problems of the amalgamation of the Grand Trunk and Great Western Railroads. Legislation to provide for this process was introduced and, after a lengthy and sometimes emotional debate, was passed.<sup>13</sup>

Economic issues also received the attention of the Assembly during Turcotte's term as Speaker, in particular the establishment of landed credit



institutions. In fact, the debate on this question spanned both sessions of parliament due, in part, to the great number of petitions submitted both for and against the matter.<sup>14</sup> Ultimately, the question was referred to a select committee for further study. No legislation to establish such institutions was proposed at this time.<sup>15</sup> Moreover, a bill that would have provided for the abolition of the real property qualification for Members of the Assembly was introduced and quickly dismissed.<sup>16</sup>

Joseph-Édouard Turcotte was not re-elected to the Assembly in 1864. He died on 20 December 1864 at Trois-Rivières at the age of 56.

### Notes

<sup>1</sup>"Joseph-Edouard Turcotte," *Dictionary of Canadian Biography*, vol. 9 (Toronto: University of Toronto Press, 1976), p. 795.

<sup>2</sup>Ibid.

<sup>3</sup>Paul G. Cornell, *The Alignment of Political Groups in Canada, 1841-1867* (Toronto: University of Toronto Press, 1962), pp. 5, 7; Joseph Desjardins, *Guide parlementaire historique de la province de Québec, 1792 à 1902* (Quebec: Hunter, Rose & Co., 1902), p. 165; and Robert Rumilly, *Papineau et son temps*, vol. 2 (Montréal: Éditions Fides, 1977), p. 322.

<sup>4</sup>Jacques Monet, *The Last Canon Shot: A Study of French-Canadian Nationalism, 1837-1850* (Toronto: University of Toronto Press, 1969), p. 73.

<sup>5</sup>*Dictionary of Canadian Biography*, vol. 9, p. 796.

<sup>6</sup>J. O. Côté, *Political Appointments and Elections in the Province of Canada from 1841 to 1865* (Québec: St. Michel & Darveau, 1860), p. 5; Desjardins, *Guide parlementaire*, p. 33; and Cornell, *The Alignment of Political Groups*, p. 21.

<sup>7</sup>Desjardins, *Guide parlementaire*, pp. 170, 174, 182.

<sup>8</sup>Côté, *Political Appointments*, p. 125; "Joseph-Edouard Turcotte," *The Macmillan Dictionary of Canadian Biography* (Toronto: Macmillan, 1963), p. 759.

<sup>9</sup>*Dictionary of Canadian Biography*, vol. 9, p. 796.

<sup>10</sup>Province of Canada, Legislative Assembly, *Journals of the Legislative Assembly*, vol. 20, 1st Session, 7th Parliament (Quebec: Hunter, Rose & Lemieux, 1862), p. 2; Rumilly, *Papineau et son temps*, p. 550; and Cornell, *The Alignment of Political Groups*, p. 49.

<sup>11</sup>Province of Canada, Legislative Assembly, *Journals of the Legislative Assembly*, vol. 20, 1st Session, 7th Parliament, pp. 23, 66, 86, 129, 132, 156, 167, 213, 215, 224, 242, 256, 272, 285, 323, 332, 338, 339, 357, 365.

<sup>12</sup>*Ibid.*, pp. 107, 120, 129, 131, 199, 284, 293, 297, 334, 365.

<sup>13</sup>*Ibid.*, pp. 100, 150, 157, 181, 195, 199, 236, 243, 258, 273, 284, 324-327, 341, 342, 356, 365.

<sup>14</sup>*Ibid.*, pp. 21, 86, 100, 157, 181, 194, 211, 217, 248, 330, 362.

<sup>15</sup>*Ibid.*, pp. 141, 163, 169, 177; and *idem*, *Journals of the Legislative Assembly*, vol. 21, 2nd Session, 7th Parliament (Quebec: Hunter, Rose & Co., 1863), pp. 64, 73, 144, 151, 187, 291.

<sup>16</sup>*Idem*, *Journals of the Legislative Assembly*, vol. 20, 1st Session, 7th Parliament, pp. 88, 93.

*Lewis Wallbridge*



**Lewis Wallbridge**  
**1863-1866**

*Portrait by William Sawyer*



## LEWIS WALLBRIDGE

The man who would become the last pre-Confederation Speaker of the Legislative Assembly was born on 27 November 1816 at Belleville, Upper Canada. Lewis Wallbridge's grandfather had emigrated first to the Thirteen Colonies but had later relocated to the Bay of Quinte area in Upper Canada shortly after the American Revolutionary War.<sup>1</sup> His father ran a prosperous lumber business in Belleville. He first attended Dr. Benjamin Workman's school in Montreal and, from 1831 until 1833, was a student at Upper Canada College, Toronto.<sup>2</sup> After leaving the College, Wallbridge undertook the study of law. He articulated both in Belleville and in Toronto at the offices of Robert Baldwin. He was called to the Bar in 1839 and established his own legal practice in Belleville that year.<sup>3</sup> In 1855 he became an ex-officio Bencher of the Law Society of Upper Canada; one year later he was made Queen's Counsel.<sup>4</sup>

Wallbridge was first elected to the Legislative Assembly in 1857 as the member for Hastings South. He had attempted to win this seat in the general election of 1854 but was unsuccessful. As a Reformer, he supported various contemporarily relevant platforms including the concepts of representation by population, public support for education and the discontinuation of government funding to the Grand Trunk Railway.<sup>5</sup> While he often introduced motions and bills in support of these ideas, he did not serve on the Assembly's committee on Railways, Canals and Telegraph lines but was a member of the committee which dealt with Private Bills.<sup>6</sup> The member for Hastings South was not enamoured of his long-winded colleagues and stood for re-election in the 1861 general election only to keep his seat from the Conservatives who did not support representation by population.<sup>7</sup>

He was returned to the Assembly in 1861 and, as before, continued to champion Reform causes. On 16 May 1863 he joined the restructured John Sandfield Macdonald -- A. A. Dorion administration as Solicitor General for Canada West.<sup>8</sup> It has been suggested that he was admitted to the Cabinet for reasons of political expediency rather than his legal talents as

he was quite orthodox in his liberalism and represented a section of eastern Upper Canada which had previously been unrepresented in the Cabinet.<sup>9</sup>

In any case, on the same day Wallbridge was named to the Executive Council. He held both of these appointments until his election to the Speakership in the following parliament.<sup>10</sup>

When the House convened in 1863, Wallbridge was put forth as the government's candidate for the office of Speaker. Despite the fact that a majority of Lower Canadian members opposed his nomination, he was elected by a vote of 66 to 58.<sup>11</sup> While this result may indicate that an eight-man Reform majority existed in the House at this time, it must be noted that several Reformers had opposed his candidacy and had voted against him. This discontent may have sprung from the fact that, when nominated, Wallbridge still held the post of Solicitor General and therefore could not be considered impartial.<sup>12</sup> Nevertheless, upon his election to the Chair, he resigned his Cabinet post but not those offices of a non-parliamentary nature. For instance, in 1862 he had been named as a Director of the Bank of Upper Canada and Wallbridge continued to serve in this capacity throughout his term in office.<sup>13</sup>

The sessions over which Speaker Wallbridge presided were some of the most important in Canadian history; it was during this period that the future political stability of not only the two provinces but also the country as a whole was debated. At the beginning of the third session, a motion was put forward which requested that the Assembly write an address regarding the proposed Confederation of the provinces for submission to the Imperial government.<sup>14</sup> From this one routine parliamentary procedure came the test of Wallbridge's abilities as Speaker: the Confederation debates.<sup>15</sup> The ensuing arguments for and against this address tested not only the limits of his patience but also of his knowledge of parliamentary procedure. Wallbridge was forced to rule no fewer than five times during the debates on points of privilege, of order and of procedure.<sup>16</sup> After several days of sometimes heated discussion on the content and nature of the address, the motion was carried and the address dispatched to London.

The Assembly did not neglect to make provisions for the post-Confederation governments of both Upper and Lower Canada. During the final session of the parliament, members passed 15 resolutions which contained a detailed administrative structure for each province.<sup>17</sup> The resolutions provided for the government of each province through the office of a lieutenant-governor in co-operation with a Legislative Council and Legislative Assembly. The number of members for each legislative body and the qualifications for entry were also contained in the resolutions. Most



important, however, were the final two resolutions which established that the legislative assemblies "shall continue for four years from the day of the return of the Writs for choosing the same" and that "there shall be a Session of the Legislature . . . once at least every year so that a period of twelve months shall not intervene between the last sitting of the Local Legislature . . . and the first sitting thereof in the next Session."<sup>18</sup>

Of course, these matters did not monopolize the Assembly's attention during this final parliament. A petition seeking an act of incorporation for the Humane Society of British North America was brought before the House and, after much discussion, was passed.<sup>19</sup> In addition, legislation abolishing the death penalty in certain cases was passed.<sup>20</sup>

Wallbridge did not seek re-election in 1867, allegedly due to a desire to avoid a political confrontation with his anti-confederate, Grit brother.<sup>21</sup> He returned to Belleville and continued to expand his already-considerable legal practice. In 1882, Wallbridge was named Chief Justice of Manitoba by John A. Macdonald. Although he had practised law for over 40 years in Upper Canada, this was his first judicial appointment.<sup>22</sup> It was in this capacity that in 1886 he headed the civil commission which investigated the charges of corruption that had been brought against Premier John Norquay.<sup>23</sup>

Lewis Wallbridge died while still Chief Justice on 20 October 1887 at Winnipeg, Manitoba.

### Notes

<sup>1</sup>"Lewis Wallbridge," *A Cyclopedia of Canadian Biography*, ed. G. L. Rose (Toronto: Rose Publishing Co., 1888), p. 374; and "Lewis Wallbridge," *Dictionary of Canadian Biography*, vol. 9 (Toronto: University of Toronto Press, 1976), p. 908.

<sup>2</sup>*Ibid.*; and *The Roll of Pupils of Upper Canada College, Toronto: January 1830 to June 1916*, ed. A. H. Young (Kingston, Ont.: Hanson, Crozier and Edgar, 1917), p. 609.

<sup>3</sup>Lewis Wallbridge to Marlene Howard, letter, 26 February 1839, Wallbridge Family Papers, Archives of Ontario; Barristers' Roll, Law Society of Upper Canada Archives; "Chief Justice Wallbridge," *Manitoba Bar News* 10



(October 1837): 481, Faculty of Law Archives, University of Manitoba (FLA); and Rose, *Cyclopedia of Canadian Biography*, p. 374.

<sup>4</sup>Lewis Wallbridge to Marlene Howard, letter, 30 August 1856, Wallbridge Family Papers, Archives of Ontario; J. O. Côté, *Political Appointments and Elections in the Province of Canada from 1841 to 1865* (Québec: St. Michel & Darveau, 1860), p. 126; "Chief Justice Wallbridge," *The Winnipeg Sun*, 24 December 1883, FLA; "The Dead Chief," *The Winnipeg Free Press*, 20 October 1887, FLA; and Rose, *Cyclopedia of Canadian Biography*, p. 374.

<sup>5</sup>*Dictionary of Canadian Biography*, vol. 9, p. 908.

<sup>6</sup>Province of Canada, Legislative Assembly, *Journals of the Legislative Assembly*, vol. 16, 1st Session, 6th Parliament (Toronto: Rollo Campbell, 1858), pp. 148-149.

<sup>7</sup>*Dictionary of Canadian Biography*, vol. 9, p. 908.

<sup>8</sup>Côté, *Political Appointments*, p. 6; "Lewis Wallbridge," *The Macmillan Dictionary of Canadian Biography* (Toronto: Macmillan, 1963), p. 782; and J. M. S. Careless, *Brown of the Globe*, vol. 2: Statesmen of Confederation, 1860-1880 (Toronto: Macmillan, 1963), p. 95.

<sup>9</sup>Paul G. Cornell, *The Alignment of Political Groups in Canada, 1841-1867* (Toronto: University of Toronto Press, 1962), pp. 53-54.

<sup>10</sup>Côté, *Political Appointments*, pp. 21, 54; and Rose, *Cyclopedia of Canadian Biography*, p. 374.

<sup>11</sup>Province of Canada, Legislative Assembly, *Journals of the Legislative Assembly*, vol. 22, 1st Session, 8th Parliament (Quebec: Hunter, Rose & Co., 1863), p. 20.

<sup>12</sup>Cornell, *The Alignment of Political Groups*, p. 54; and Careless, *Brown of the Globe*, vol. 2, p. 99.

<sup>13</sup>Peter Baskerville, ed., *The Bank of Upper Canada: A Collection of Documents* (Toronto: The Champlain Society, 1987), pp. 296-297.

<sup>14</sup>Province of Canada, Legislative Assembly, *Journals of the Legislative Assembly*, vol. 24, 3rd Session, 8th Parliament (Quebec: Hunter, Rose & Co., 1865), p. 74.

<sup>15</sup>*Ibid.*, pp. 81, 83, 88, 93, 123, 133, 139, 143, 147, 152, 157, 160, 164, 168, 173, 177, 180, 184, 186, 191. See also: *Parliamentary Debates on the Subject of the Confederation of the British North American Provinces*, 3rd Session, 8th Parliament (Quebec: Hunter, Rose & Co., 1865).

<sup>16</sup>*Parliamentary Debates*, 3rd Session, 8th Parliament, pp. 14, 16, 19-20, 768-769, 893.

<sup>17</sup>Province of Canada, Legislative Assembly, *Journals of the Legislative Assembly*, vol. 26, 5th Session, 8th Parliament (Quebec: Hunter, Rose & Co., 1866), pp. 141-142.

<sup>18</sup>*Ibid.*, p. 142. See also: *Ibid.*, pp. 233, 234, 256, 257, 270, 274-280, 358, 362.

<sup>19</sup>*Idem*, *Journals of the Legislative Assembly*, vol. 23, 2nd Session, 8th Parliament (Quebec: Hunter, Rose & Co., 1864), pp. 111, 119, 230, 280, 295, 300, 334, 503.

<sup>20</sup>Unfortunately, the term "certain cases" is not fully defined in the text of the *Journals*. See: *idem*, *Journals of the Legislative Assembly*, vol. 25, 4th Session, 8th Parliament (Quebec: Hunter, Rose & Co., 1865), pp. 37, 85, 112, 149, 152, 228, 274.

<sup>21</sup>*Dictionary of Canadian Biography*, vol. 9, p. 909.

<sup>22</sup>P. B. Waite, *Macdonald: His Life and World* (Toronto: McClelland and Stewart, 1975), pp. 188-189; C. M. Smith and J. McLeod, eds., *Sir John A.: An Anecdotal Life of John A. Macdonald* (Toronto: Oxford University Press, 1989), pp. 163-164; and *Dictionary of Canadian Biography*, vol. 9, p. 909.

<sup>23</sup>1886 Commission to investigate charges against John Norquay, Government Records Section, Provincial Archives of Manitoba; and *Dictionary of Canadian Biography*, vol. 9, p. 909.

*John Stevenson*



**John Stevenson**  
**1867-1871**

*Portrait by E.A. Crossman*



## JOHN STEVENSON

On 1 July 1867, the *Constitution Act, 1867* (formerly *The British North America Act, 1867*)<sup>1</sup> came into force creating a confederation of provinces which, as a country, took the name of Canada. The new Dominion included the Province of Ontario, formerly the Province of Upper Canada, and after 1841, the Province of Canada West. The *Constitution Act* provided for the continuance of the legislative process through the provision not only of a bicameral federal parliamentary system but also of a unicameral Assembly for each province. The latter was to be of a type similar to that which had been used by the United Province of Canada before Confederation.<sup>2</sup> Thus, while the *Act* created a system of government, it did not disturb nor deviate from traditions that had developed in the provinces before 1867. These traditions included the provision of a Speaker for both the federal and provincial legislatures.<sup>3</sup>

The first Speaker of the Legislative Assembly of the Province of Ontario was an American by birth. John Stevenson was born in Huntingdon County, New Jersey, on 12 August 1812. When he was still very young, his family emigrated to Leeds County, Upper Canada. The future Speaker received his education at Brockville's public school and, by 1830, was himself teaching school in nearby Maitland District. Stevenson's teaching career lasted only one year. In 1831, at the age of 19, he was hired by Henry Lasher, a merchant in Bath, Upper Canada. Stevenson worked for Lasher as a general clerk for five years. On Lasher's death in 1836, he had enough knowledge of trade and commerce to form a partnership with his deceased employer's son, John.<sup>4</sup>

This commercial venture was to be the first of many for Stevenson. Although Stevenson's partnership with the younger Lasher was dissolved in 1849, he quickly formed a similar business relationship with John D. Ham who had acted as manager for Stevenson and Lasher's Newburgh branch store.<sup>5</sup> Stevenson and Ham based its operations in Newburgh and specialized in buying and selling timber, particularly that from Napanee and the county of Lennox and Addington. Although actively involved in the daily affairs of the business, Stevenson chose to reside in Napanee. Some time after the dissolution of his partnership with Ham, Stevenson expanded his timber interests and formed yet another commercial liaison with George Lott. The company of Stevenson and Lott concentrated its interests in the milling and marketing of local timber and prospered for all its 20 years. Stevenson's other business endeavour reflected his interest in the lumber

industry. He embarked on the creation of a fleet of shipping vessels -- including a river schooner called the *John Stevenson* -- in order to transport his product more easily. Indeed, by the time of his election to the Legislative Assembly of Province of Ontario in 1867, Stevenson's business interests were widely diversified and included a flour mill, a piano manufacturing company, and several financial and real estate ventures.<sup>6</sup>

Stevenson's involvement in his community was not restricted to economic pursuits. By 1851, he had been appointed a Justice of the Peace for the village of Napanee. In this capacity he presided over several cases, the majority of which dealt with assault and battery and by-law violations.<sup>7</sup> Like many other individuals who have served in the Legislative Assembly, Stevenson's initial political involvement occurred at the local rather than provincial level. His most significant contribution came during his term as Reeve of Napanee when he spearheaded the campaign to separate the county of Lennox and Addington from its political union with the county of Frontenac. Even though it took almost a decade to settle the contentious issue of where Lennox and Addington's capital should be located, Stevenson and his supporters were, in 1863, victorious in securing not only this political and administrative divorce but also in affirming the political primacy of the village of Napanee. Perhaps in recognition of his role in these events he was elected the first warden of Lennox and Addington in 1863. He held this office for three consecutive terms.<sup>8</sup>

In 1867, Stevenson was elected to the inaugural provincial Assembly as the member for Lennox.<sup>9</sup> The election had resulted in a coalition government which was commonly referred to as the Patent Combination. Consisting of an unlikely affiliation of Reformers and Conservatives, the Patent Combination had emerged from the elections with a 25-seat majority in the House. When the session opened on 27 December 1867, former Speaker and the then current Premier, John Sandfield Macdonald, nominated Stevenson for the Chair. Despite the presence in the House of former Speaker Henry Smith, Jr. and veteran parliamentarians such as Richard William Scott, the 82 members unanimously elected him.<sup>10</sup> Stevenson was the only individual in the history of the Legislative Assembly to serve as Speaker during his first and only term in the Assembly.

During the course of Stevenson's term in the Chair as Speaker, the House turned its attention to many subjects, including the establishment of the new province's political and administrative system. During the parliament's first two sessions, legislation was introduced which outlined a system of



registration for births in the province.<sup>11</sup> Other bills created several bureaucratic offices including that of Provincial Auditor "in order to exercise . . . an efficient control over the administration of the [Public] Finances."<sup>12</sup> In fact, the financial status of the province weighed heavily on the minds of this first legislature. On 23 November 1869, Edward Blake, leader of the Opposition, moved the adoption of several resolutions which voiced the displeasure of the House over the federal government's plan to increase its subsidy to the province of Nova Scotia at the expense of Ontario. Not surprisingly, the resolutions contained the Assembly's rejections of this re-allocation and submitted

that by the assumption by the Parliament of Canada of the power by the *Nova Scotia Act* claimed, the former evils [or regional prejudice and mistrust], so far from being removed by Confederation, will be intensified, the just expectations of the people will be disappointed, sectional strife will be aroused, the Federal principle will be violated, and the Constitution will be shaken to its base.<sup>13</sup>

The Assembly intensely debated the resolutions and, ultimately, they were adopted by the House by an overwhelming vote of 64 to 12.<sup>14</sup>

Perhaps the most intriguing incident of Stevenson's Speakership concerned the rights of the Assembly itself. Within a week of the opening of parliament, former Speaker Henry Smith, Jr. introduced *An Act for the Independence of the Legislative Assembly* to define "the Privileges, Immunities and Powers of the Legislative Assembly, and to give summary protection to persons employed in the publication of Sessional Papers." Although the bill in question received only second reading during the Assembly's first session, it was thoroughly debated in the following session and, despite a small but vocal opposition, was passed in the House by a substantial majority.<sup>15</sup> The reaction of the executive branch of government, however, was less enthusiastic. On 20 December, the Assembly received a dispatch from the Governor General disallowing the Act. The Governor-General had made his decision largely on the recommendation of



the federal Minister of Justice who, in his report on the question, gave his opinion

that it was not competent for the Legislature of the Province of Ontario to pass such Act, and therefore . . . the said Act should not receive the confirmation of the Governor General.<sup>16</sup>

Only during the fourth and final session of this parliament did the members once more address this issue. A bill similar to that which had been disallowed was introduced in the House but was again withdrawn, this time, at its second reading.<sup>17</sup>

Despite a successful term as Speaker, Stevenson was not re-elected to the Assembly in 1871. The following year he ran as a candidate in the federal election but fared no better. Stevenson did not seek political office again and instead retired to Napanee to pursue his business interests there. John Stevenson died on 1 April 1884 at Napanee, Ontario.<sup>18</sup>

## Notes

<sup>1</sup>Prior to 1982, the *Constitution Act, 1867* was referred to as the *British North America Act, 1867*.

<sup>2</sup>See: *Constitution Act, 1867 (The British North America Act, 1867)*, R. S. C., 30 & 31 Victoria, c. 3 (U.K.), ss. 17, 58, 63, 68, 69, 71, 88, 91, 92.

<sup>3</sup>*Ibid.*, ss. 44-47, 87.

<sup>4</sup>Walter S. Herrington, *History of the County of Lennox and Addington* (Toronto: Macmillan, 1913), p. 40; *idem*, "Some Notes on the First Legislative Assembly of Ontario and its Speaker, Hon. John Stevenson," *Transactions of the Royal Society of Canada*, Series 3, vol. 9 (1915): 226-227.

<sup>5</sup>Herrington, "Some Notes," pp. 227-228.

<sup>6</sup>Ibid., "Some Notes," pp. 229-230; Herrington, *History of the County of Lennox and Addington*, pp. 215, 258; and Kathleen Finlay, *Speakers of the Legislative Assembly of Ontario, 1867-1984* (Toronto: Legislative Library, Research and Information Services, 1985), p. 10.

<sup>7</sup>See: "Magistrate's summons for witness," 31 March 1851; "Schedule of Summary Convictions, Returned to the Court of General Quarter Sessions of the Peace, by Her Majesty's Justices in and for the United Counties of Frontenac, and Lennox and Addington from December 11, 1860, to March 12, 1860," 15 March 1860, John Stevenson Papers, Archives of Ontario. See also: Herrington, "Some Notes," pp. 230-232; and idem, *History of the County of Lennox and Addington*, p. 410.

<sup>8</sup>"Chronicles of Napanee," *Lennox and Addington Historical Society Papers and Records*, vol. 1 (1909): 11, 23; and Herrington, *History of the County of Lennox and Addington*, pp. 68-71, 409.

<sup>9</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario: Candidates and Results with Statistics from the Records*, comp. Office of the Chief Elections Officer (Toronto: Office of the Chief Elections Officer, 1985), p. 480; and *Legislators and Legislatures of Ontario*, comp. Debra Forman, vol. 2: 1867-1929 (Toronto: Legislative Library, Research and Information Services, 1984), p. 3.

<sup>10</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 1, 1st Session, 1st Parliament (Toronto: Legislative Assembly, 1868), p. 1; Charles Clarke, *Sixty Years in Upper Canada* (Toronto: William Briggs, 1908), p. 143; J. D. Livermore, "The Ontario Election of 1871: A Case Study in the Transfer of Political Power," *Ontario History* 71 (March 1979): 39; Forman, *Legislators and Legislatures of Ontario, 1792-1984*, pp. 1-3; and Finlay, *Speakers of the Legislative Assembly of Ontario, 1867-1984*, p. 12.

<sup>11</sup>See: Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, 1st Parliament, 2nd Session (Toronto: Legislative Assembly, 1869), pp. 7, 10, 21, 65, 74, 106, 108, 128; and idem, *Journals of the Legislative Assembly of the Province of Ontario*, 1st Parliament, 3rd Session (Toronto: Legislative Assembly, 1869), pp. 75, 102, 122, 167, 171.

<sup>12</sup>Idem, *Journals of the Legislative Assembly of the Province of Ontario*, 1st Parliament, 3rd Session, pp. 13, 48, 87.

<sup>13</sup>Ibid., p. 34.

<sup>14</sup>For a more detailed account of these events, see: *ibid.*, pp. 33-36, 54-56.

<sup>15</sup>Idem, *Journals of the Legislative Assembly of the Province of Ontario*, 1st Parliament, 1st Session, pp. 8, 36; and idem, *Journals of the Legislative Assembly of the Province of Ontario*, 1st Parliament, 2nd Session, pp. 7, 14, 15, 27, 28, 78.

<sup>16</sup>Idem, *Journals of the Legislative Assembly of the Province of Ontario*, 3rd Session, 1st Parliament, pp. 125-126.

<sup>17</sup>Idem, *Journals of the Legislative Assembly of the Province of Ontario*, 1st Parliament, 4th Session (Toronto: Legislative Assembly, 1871), pp. 46, 109.

<sup>18</sup>Herrington, "Some Notes," pp. 239-243; "Chronicles of Napanee," p. 23; and Finlay, *Speakers of the Legislative Assembly*, p. 13.



*Richard William Scott*



**Richard William Scott**  
**1871**

*Portrait by George T. Berthon*

## **RICHARD WILLIAM SCOTT**

Of the 34 men who have held the Office of Speaker of the Legislative Assembly of Ontario since Confederation, Richard William Scott ranks as one of the most interesting. Indeed, Scott's election to the position and his resignation from it a mere 14 days later provide insight into the nature and importance of the Speakership during this early period in the province's legislative history.

The man who would become the second Speaker of the Ontario Legislative Assembly was born on 24 February 1825 in Prescott, Ontario. He received his early education from an unknown private tutor in Prescott.<sup>1</sup> Rather than follow in his father's footsteps and pursue a career in medicine, Scott studied law. He studied in Prescott under the supervision of Marcus Burritt, a prominent local lawyer and a Bencher of the Law Society of Upper Canada. Scott articulated at the Toronto firm of Crooks and Smith before his call to the Bar on 12 June 1848.<sup>2</sup> He quickly followed his entry into the legal profession with a foray into municipal politics. In 1851, he was elected to the Bytown Council as an alderman; the following year he became Bytown's sixth Mayor, serving one term as Mayor of Bytown, from 1852 to 1853.<sup>3</sup>

The four years between Scott's entry into provincial politics and his departure from municipal politics shaped his political career. It is highly probable that Scott forged relationships with the railroad and lumber interests of the Bytown and Ottawa areas during this period. Certainly, in the course of his tenure in the Ontario Legislature, Scott was frequently accused of putting these interests before those of his constituents. Nevertheless, Scott's early association with these organizations were of a legal rather than overtly political nature: Scott was the solicitor for the Bytown and Prescott Railway Company. The Company was constructing a line to provide links between Bytown, Prescott and the main railway line between Montreal and Toronto. Unfortunately, the venture was plagued by financial difficulties. At one point, Scott was forced to buy personally one of the company's locomotives which had been impounded and sold at a sheriff's auction. The future Speaker then leased the locomotive back to the beleaguered railway.<sup>4</sup>

Shortly after leaving municipal politics, Scott ran as an independent candidate in the general election of 1857. He was elected and returned to the Legislative Assembly of the United Provinces as the member for Ottawa. He held this seat until 1863.<sup>5</sup> During his tenure in the pre-Confederation Assembly, Scott championed several issues, the most noteworthy being



Ottawa's candidacy for provincial capital and his support of separate school rights.

The union of Upper and Lower Canada in 1840 had brought several political advantages but it had also created a significant political dilemma. The question of whether the Union's capital should be in Canada East or in Canada West had not been addressed in the *Union Act of 1840*, save for section 30 of the legislation which provided

[that it shall be lawful] for the Governor of the Province of Canada for the Time being to fix such Place or Places within any Part of the Province of Canada . . . as he may think fit [for the convening of the provincial Assembly], such Times and Places to be afterwards changed or varied as the Governor may judge advisable and most consistent with general Convenience and the Public Welfare, given sufficient Notice thereof . . .<sup>6</sup>

This provision opened the door for the creation of a system of rotating capitals -- the Assembly met in cities in both Canada East and Canada West. This arrangement was hailed as one which would foster unity and regional and cultural understanding among members. However, it mostly aggravated regional and cultural biases. Over the years, the Union Assembly devoted much debate to the establishment of a permanent capital for the Union.<sup>7</sup>

The debate over this issue reached its peak in the late 1850s. In 1857, the Legislature resolved to send an address to Queen Victoria requesting that Her Majesty choose the city which would serve as the permanent seat of government. The mayors of the five candidate cities -- Toronto, Montreal, Kingston, Ottawa and Quebec City -- were invited to prepare papers "setting forth the reasons which may in their opinion favour the claim of that place to be selected by the Queen."<sup>8</sup> As the member for Ottawa, and one who was adamantly opposed to what he called the "migratory system of holding Parliament alternatively in Quebec and Toronto,"<sup>9</sup> Scott was the logical choice to draft Ottawa's City Council address.<sup>10</sup> Scott's involvement in this debate continued even after the Queen's selection of Ottawa as capital late in 1857. In the ensuing fervent debate, Scott persuaded a majority of the Assembly's members to vote against a motion put forward by former Speaker



Louis-Victor Sicotte that would have rejected Queen Victoria's choice of Ottawa in favour of a more cosmopolitan centre.<sup>11</sup>

Scott, a Roman Catholic, also came to prominence in the 1860s during the debates over separate schools. In 1862, he introduced a bill which "would virtually have established a full dual educational system in Upper Canada" and allowed villages as well as towns and cities in this region to found separate schools and to receive municipal and provincial grants.<sup>12</sup> Although this bill merely clarified the administrative irregularities and errors contained in the Taché Act of 1855 and earlier related statutes, it received a great deal of opposition in the House and in the press. The bill was referred to a committee headed by Egerton Ryerson and underwent a great deal of modification, especially in those sections concerned with the rights of separate school boards to licence their own teachers.<sup>13</sup> The amended bill was still opposed in the House: while the members from largely Roman Catholic Canada East endorsed the legislation, the overwhelming Protestant majority of members from Canada West did not. Despite this division, however, *An Act to Restore to Roman Catholics in Upper Canada Certain Rights in Respect to Separate Schools*, more commonly referred to as the Scott Act, was passed by a vote of 74 to 30 on 13 March 1863.<sup>14</sup>

Despite his involvement in both of these important issues, Scott was not returned to the House in the general election of 1863. However, he was more successful in the first Ontario provincial election of 1867 and was elected to the Assembly as the member for Ottawa.<sup>15</sup> Scott's political interests and affiliations in the Assembly were often questioned by his political contemporaries and by historians. In fact, it has been suggested that he "considered himself as the special representative of the Ottawa Valley lumber interests, and [that] his Party relationships were distinctly a secondary affair."<sup>16</sup> Scott's involvement in the business of the House during the province's first parliament does display a marked interest in the transportation and lumber industries. For example, he consistently served as a member of the Assembly's Select Committees on Railways and on Private Bills.<sup>17</sup> Moreover, Scott was the driving force behind legislation which dealt with the incorporation of the Ottawa City Passenger Railway Company<sup>18</sup> and the registration of brands used in marking timber.<sup>19</sup>

Scott was returned to the Assembly in 1871.<sup>20</sup> With the opening of the second provincial parliament on 7 December 1871, he came to prominence once again, this time when he was elected Speaker of the Assembly.<sup>21</sup> While chronicler Charles Clarke has cited Scott's political career and

parliamentary knowledge as reasons for his election to the Chair,<sup>22</sup> it has been proposed that Scott's nomination was the result of a more overtly political motive. Several historians have proposed that, due to the animosity that existed between Scott and Sandfield Macdonald over Macdonald's reluctance to grant land to the Canada Central Railway, Scott's nomination and subsequent election were merely ways of silencing Scott and of securing his support for the new Sandfield Macdonald administration.<sup>23</sup> Despite an initial reluctance to accept the position and thus lessen his influence in the House, Scott consented to the nomination on the condition that Macdonald settle their disagreement regarding the endowment of crown lands to the Canada Central Railway.<sup>24</sup>

Scott's tenure as Speaker of the Legislative Assembly was brief and eventful. On 14 December 1871, Edward Blake moved an amendment to the Address in Reply that criticized the Sandfield Macdonald government's control over what was commonly referred to as the Railway Fund. In response to this motion, a government member unsuccessfully moved that Blake's amendment not be debated in the House until the great number of charges of voting irregularities had been resolved and all 14 vacant or contested seats had been filled. Finally, a motion suggesting limited government control of the Railway Fund was put forth and defeated. Blake's original motion was consequently carried by a majority of 7 votes. On 15 December, the Sandfield Macdonald government faced another test of its power. Sandfield Macdonald's motion to amend a want of confidence motion that had been put to the House the day before was ruled out of order by Speaker Scott. The original motion was then put to the Assembly and was narrowly defeated by a vote of 37 to 36.<sup>25</sup> Within a week, however, the Sandfield Macdonald government had resigned and opposition leader Edward Blake was given the task of forming the new government.

On 21 December 1871, Scott resigned the Chair to accept an appointment to Premier Blake's cabinet as Commissioner of Crown Lands. While detractors such as John A. Macdonald intimated that Scott had, in accepting this appointment, betrayed Sandfield Macdonald and his defunct administration,<sup>26</sup> Blake had made the reasons for assuming the portfolio clear to Scott in a letter of 24 December 1871. In it, Blake stressed the



political differences between Scott and Sandfield Macdonald and suggested that the former was

free, nay bound, to say that issues have been developed on which your opinions are in accordance with men and opposed to those of Sandfield Macdonald and his government; and thus being so you have taken sides against that government and [sided] with me.<sup>27</sup>

Nevertheless, it has been proposed that Scott's reasons for accepting the cabinet position were more straightforward: the Crown Lands portfolio was "the most coveted by the Ottawa Valley Timber interests," the same business interests with which Scott was closely connected. His acceptance of the portfolio is an example of how business interests managed to find representation in the provincial cabinet.<sup>28</sup> Perhaps more important, however, is that Scott's resignation from the Chair illustrated how some nineteenth century legislators may have viewed the role of the Speakership in provincial politics. Although held in some esteem, the Speakership could be used as a political tool with which to silence particularly influential government or opposition members.

In spite of his resignation, Scott was returned to the House in 1872 by acclamation and was once again given the position of Commissioner of Crown Lands.<sup>29</sup> Like many other politicians of his period, Scott eventually made the transition from provincial to federal politics. In March of 1874, he was appointed to the Senate where he served as the government party leader and was directly involved in the debate on many issues, including that concerning the *Canada Temperance Act*.<sup>30</sup> Scott's political stature was further enhanced when he was appointed to the offices of Secretary of State and Registrar General of Canada in 1874. He held these two positions until 1878 when the Liberals lost the federal election.<sup>31</sup>

Scott's long and distinguished political career survived this small setback and, on 13 July 1896, he was offered the position of Secretary of State by Prime Minister Wilfrid Laurier.<sup>32</sup> Although Laurier had made it quite clear that his appointment to cabinet could be revoked at any time, Scott held the office until 1908. In this same year he was knighted in recognition of his service to his country. Sir Richard William Scott died 23 April 1913 in Ottawa.



## Notes

<sup>1</sup>Nick and Helma Mika, *Bytown: The Early Days of Ottawa* (Belleville, Ont.: Mika Publishing, 1982), p. 214; and Kathleen Finlay, *Speakers of the Legislative Assembly of Ontario, 1867-1984* (Toronto: Legislative Library, Research and Information Services, 1985), p. 14.

<sup>2</sup>Barrister's Rolls, 1809-1885, Law Society of Upper Canada Archives; and Finlay, *Speakers of the Legislative Assembly*, p. 14.

<sup>3</sup>Shirley E. Woods, Jr., *Ottawa: The Capital of Canada* (Toronto and New York: Doubleday, 1980), p. 124; and A. H. D. Ross, *Ottawa: Past and Present* (Toronto: Musson Book Company, 1927), p. 199; and Mika, *Bytown: The Early Days of Ottawa*, p. 214.

<sup>4</sup>Woods, *Ottawa: The Capital of Canada*, pp. 118-119.

<sup>5</sup>Ross, *Ottawa: Past and Present*, p. 116.

<sup>6</sup>*The Union Act, 1840*, s. 30. See also: Lord Sydenham to Lord John Russell, letter, 13 March 1840, in *Letters from Lord Sydenham, Governor-General of Canada, 1839-1841, to Lord John Russell*, ed. Paul Knaplund (London: George Allen & Unwin Ltd., 1988), p. 53.

<sup>7</sup>For a more detailed account of the debate on the capital issue, see: Province of Canada, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Canada*, vol. 1, 1st Session, 1st Parliament (Kingston, Canada West: Robert Stanton, 1841), pp. 403, 417, 430, 467-468, 591, 625-628; idem, *Journals of the Legislative Assembly of the Province of Canada*, vol. 13, 1st Session, 5th Parliament (Quebec, Canada East: Rollo Campbell, 1854), pp. 294, 295, 733, 738, 740; (Toronto) *British Colonist*, 18 August 1841; *Montreal Gazette*, 13 August 1841; R. W. Scott, *The Choice of the Capital: Reminiscences Revived on the Fiftieth Anniversary of the Selection of Ottawa as the Capital of Canada by Her Late Majesty* (Ottawa: The Mortimer Company, 1907), passim; David B. Knight, *A Capital for Canada: Conflict and Compromise in the Nineteenth Century* (Chicago: Department of Geography, University of Chicago, 1977), pp. 55-60, 62-67; and Wilfred Eggleston, *The Queen's Choice: A Story of*

*Canada's Capital* (Ottawa: The National Capital Commission, 1961), pp. 98-110.

<sup>8</sup>Circular, R. T. Pennefeather, Secretary to the Governor, 28 March 1867, as quoted in Scott, *The Choice of the Capital*, p. 28.

<sup>9</sup>Richard William Scott, "To the Electors of Bytown," 8 July 1854, Richard William Scott Papers, National Archives of Canada.

<sup>10</sup>For the text of this address, see: Scott, *The Choice of the Capital*, pp. 40-43. See also: Woods, *Ottawa: The Capital of Canada*, pp. 121-123.

<sup>11</sup>Eggleston, *The Queen's Choice*, p. 110; and Scott, *The Choice of the Capital*, pp. 36-39.

<sup>12</sup>Bruce W. Hodgins, "John Sandfield Macdonald," in *The Pre-Confederation Premiers: Ontario Government Leaders, 1841-1867*, ed. J. M. S. Careless (Toronto: University of Toronto Press, 1987), p. 268; idem, *John Sandfield Macdonald, 1812-1872*, Canadian Biographical Studies Series (Toronto: University of Toronto Press, 1971), p. 53, 58, 63.

<sup>13</sup>Robert M. Stamp, *The Historical Background to Separate Schools in Ontario* (Toronto: Ministry of Colleges and Universities, 1985), pp. 5, 23; and Hodgins, "John Sandfield Macdonald," p. 274.

<sup>14</sup>Stamp, *Historical Background to Separate Schools in Ontario*, p. 24; Hodgins, "John Sandfield Macdonald," pp. 275-276; and idem, *John Sandfield Macdonald*, p. 64.

<sup>15</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario: Candidates and Results with Statistics from the Records, 1867-1982*, comp. Office of the Chief Election Officer (Toronto: Office of the Chief Election Officer, 1985), p. 452.

<sup>16</sup>Middleton and Landon, *The Province of Ontario, A History*, Vol I: 1615-1927 (Toronto: Dominion Publishing Co., 1927), p. 397.

<sup>17</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of Ontario*, 1st Session, 1st Parliament (Toronto: Legislative Assembly, 1868), pp. 7, 12; idem, *Journals of the Legislative Assembly of Ontario*, 2nd Session, 1st Parliament (Toronto: Legislative Assembly,

1869), p. 11; idem, *Journals of the Legislative Assembly of Ontario*, 3rd Session, 1st Parliament (Toronto: Legislative Assembly, 1869), p. 12.

<sup>18</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of Ontario*, vol. 1, 1st Session, 1st Parliament (Toronto: Legislative Assembly, 1868), pp. 30, 47, 55, 76, 79, 81, 85.

<sup>19</sup>Idem, *Journals of the Province of Ontario*, vol. 2, 2nd Session, 1st Parliament (Toronto: Legislative Assembly, 1869), p. 61.

<sup>20</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario*, p. 452.

<sup>21</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, 1st Session, 2nd Parliament (Toronto: Hunter, Rose & Co., 1872), p. 2.

<sup>22</sup>In regard to Scott's election, Clarke states: "A better choice could not have been made. While noted for his integrity, Mr. Scott was the possessor of parliamentary knowledge which was unexcelled by that of any man in either the Dominion or the Provincial House." See: Charles Clarke, *Sixty Years in Upper Canada* (Toronto: William Briggs, 1908), p. 167.

<sup>23</sup>S. R. J. Noel, *Patrons, Clients, Brokers: Ontario Society and Politics, 1791-1896* (Toronto: University of Toronto Press, 1990), pp. 227-228; J. D. Livermore, "The Ontario Election of 1871: A Case Study of the Transfer of Political Power," *Ontario History*, vol. 71 (March 1979): 48; Middleton and Landon, *Province of Ontario*, Vol I: 1615-1927, p. 397; and Hodgins, *John Sandfield Macdonald*, pp. 104, 115.

<sup>24</sup>Middleton and Landon, *Province of Ontario*, p. 397.

<sup>25</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of Ontario*, vol. V, 1st Session, 2nd Parliament, pp. 3-30; Clarke, *Sixty Years in Upper Canada*, pp. 167-176; and Hodgins, *John Sandfield Macdonald*, pp. 115-117.

<sup>26</sup>For John A. Macdonald's views on Scott's resignation, see: John A. Macdonald to Alexander Campbell, letters, 23 December 1871 and 29 December 1871, Alexander Campbell Papers, Archives of Ontario.



<sup>27</sup>Edward Blake to Richard William Scott, letter, 24 December 1871, Edward Blake Papers, Archives of Ontario.

<sup>28</sup>Noel, *Patrons, Clients, Brokers*, pp. 227-229; Joseph Schull, *Edward Blake: The Man of the Other Way, 1833-1881* (Toronto: Macmillan, 1975), pp. 82-83; and F. F. Schindeler, *Responsible Government in Ontario* (Toronto: University of Toronto Press, 1969; reprint, 1973), pp. 33-35.

<sup>29</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario*, p. 452.

<sup>30</sup>For a more detailed account of Scott's involvement in this debate, see: Gerald A. Hallowell, *Prohibition in Ontario, 1919-1923*, Ontario Historical Society Research Publication No. 2 (Ottawa, Ont.: Love Printing Service Ltd., 1972), pp. 30-31, 93; Ruth Elizabeth Spence, *Prohibition in Canada* (Toronto: The Dominion Alliance, 1919), pp. 107, 122-132; and Peter B. Waite, *Canada, 1874-1896: Arduous Destiny*, Canadian Centenary Series (Toronto: McClelland and Stewart, 1971), pp. 88-90.

<sup>31</sup>Mika, *Bytown: The Early Days of Ottawa*, p. 214; and Ross, *Ottawa: Past and Present*, p. 199.

<sup>32</sup>Wilfred Laurier to Richard William Scott, letter, 13 July 1896, Richard William Scott Papers, Public Archives of Canada.

*James George Currie*



**James George Currie**  
**1871-1873**  
*Portrait by Mildred Peel*

## **JAMES GEORGE CURRIE**

James George Currie was born 24 November 1827 in Toronto. He received his early education at Niagara and later went on to study law.<sup>1</sup> Currie found it difficult to secure his legal qualifications. On 29 August 1853 he petitioned the Convocation of the Law Society of Upper Canada to admit him to the Bar as a Barrister at law. Citing his five-year student standing "on the books of the Law Society" and his admission as an attorney in Superior Courts of Common Law in 1852, Currie argued vehemently but unsuccessfully for his admittance. Although his petition was refused by the Law Society's governing body, Currie moved to St. Catharines to practice law with partner William Eccles.<sup>2</sup> Currie was finally called to the Bar on 21 November 1853.<sup>3</sup>

Shortly after his call to the Bar, Currie began his extensive career in public life. His earliest political appointments were at the local level. In 1857, he served as Deputy Reeve of St. Catharines.<sup>4</sup> Currie was elected Mayor of St. Catharines in 1860. He held this office until 1862 when he resigned to seek a seat as the member for Niagara in the Legislative Council of Canada.<sup>5</sup> He was again elected to the town's highest political office in 1869 and served as Mayor until 1870.

Currie's first attempt to enter the Legislative Assembly came in 1867 when he campaigned unsuccessfully as the Liberal Reform candidate for the riding of Niagara.<sup>6</sup> His political fortunes changed in the next general election, and on 21 March 1871, Currie was elected to the House as the Member for Welland by a slim majority of 139 votes.<sup>7</sup> When the Legislature opened on 7 December 1871 Currie took his seat in the House, little suspecting the important role he would later play in its daily business. On 21 December 1871, Richard William Scott resigned the Speakership to take the portfolio of Commissioner of Crown Lands in Edward Blake's cabinet. On the same day, despite Opposition protests over his inexperience, Currie was chosen to preside over the Chamber as its Speaker.<sup>8</sup>

During Currie's term in the Chair, the House dealt with several important issues. For example, a bill was introduced early in the session which sought to render members of the House of Commons ineligible to seek election to the provincial legislature. Prior to this, the practice of dual representation had allowed members to hold seats concurrently in both the federal and provincial Houses. The act was hotly debated in the House but ultimately passed by its members.<sup>9</sup> Social issues such as the sale of liquor in Ontario



and the provision of hospitals for chronic alcoholics also commanded the Assembly's attention during Currie's Speakership.<sup>10</sup>

On 29 March 1873, Currie resigned the Office of Speaker of the Legislative Assembly. As no provision for such an action was outlined in the *Constitution Act, 1867* and no previous Speaker had ever voluntarily resigned before the dissolution of a parliament, Currie chose to follow British parliamentary precedent and to express his intention in writing to the Clerk of the House and the Lieutenant-Governor rather than verbally to the members of the Assembly.<sup>11</sup> In his letter of resignation to W. P. Howland, the Lieutenant-Governor, he cited the Speaker's numerous duties as cause for his departure. Currie stated rather tersely that

Finding the duties of the office of Speaker exceedingly irksome and severe and believing that I can better serve my constituents and native Province upon the floor of the Legislature I beg to resign . . . my Office of Speaker of the Legislative Assembly of Ontario.<sup>12</sup>

His intentions were announced to the House by the Clerk on the final day of the Assembly's third session.

Even though he had resigned the Speakership because of its added responsibilities, Currie did not shy from taking further administrative posts in the 1870s. For example, on 17 November 1873, he was appointed the agent of the federal Justice Department at St. Catharines.<sup>13</sup> Currie was made a Queen's Counsel less than three years later.<sup>14</sup> In 1874, he served as Chairman of the Select Legislative Committee and was appointed "to Investigate the Charges of the Hon. Archibald McKellar against John Charles Rykert." In their report published 17 December 1874, the Committee found that, even though Rykert may have received monies to influence his support of legislation concerning the incorporation of certain railway companies, there was no evidence supporting McKellar's charges of manipulation and influence peddling.<sup>15</sup> Finally, Currie was appointed a Bencher of the Law Society of Upper Canada in 1874. His appointment was reconfirmed by election in 1875.<sup>16</sup>

Currie's distinguished political career came to a rather unfortunate end in the late 1870s. In 1877 and 1878, it was revealed that Currie had

misappropriated funds from several of his legal clients. As a result of these accusations, newspapers and members in the House attacked the former Speaker. An editorial of the 7 September 1877 *Thorold Post* declared

Is it not humiliating to see a man who had held some of the highest political offices which his compeers could bestow on him . . . placed in the felon's dock, charged with a heinous crime [of embezzlement]. We have no desire to make political capital out of any man's misfortune, . . . but we cannot help thinking that it is time the electors of the County of Welland were looking around for a better representative . . . <sup>17</sup>

Currie was stricken from the Court of Chancery's roll of solicitors but, because of an oversight, was not stricken from the Barrister's Rolls of the Law Society of Upper Canada. Although he later applied to the Society's Disciplinary Committee to be reinstated, it seems his request was not granted.<sup>18</sup>

James George Currie never returned to the political arena after the disclosure of his indiscretions; he was defeated in the 1879 provincial general election by his Conservative opponent Daniel Near. He died on 8 December 1901.<sup>19</sup>

## Notes

<sup>1</sup>*Canadian Parliamentary Companion*, 1875 (Ottawa: H. J. Morgan, 1875), p. 397; Charles Clarke, *Sixty Years in Upper Canada with Autobiographical Recollections* (Toronto: William Briggs, 1908), p. 177; and Kathleen Finlay, *Speakers of the Legislative Assembly of Ontario, 1867-1984* (Toronto: Legislative Library, Research and Information Services, 1985), p. 18.

<sup>2</sup>Minutes of Convocation, Law Society of Upper Canada, Volume 3, p. 363, Law Society of Upper Canada Archives, Osgoode Hall.

<sup>3</sup>Barrister's Rolls, 1809-1885, Law Society of Upper Canada Archives, Osgoode Hall.

<sup>4</sup>R. J. Powell, *Lincoln County, 1856-1956* (St. Catharines, Ont.: Lincoln County Council, 1956), p. 156.

<sup>5</sup>*Canadian Parliamentary Companion*, 1875, p. 398.

<sup>6</sup>George Brown to James George Currie, letter, 2 July 1867; George Brown to James George Currie, telegram, 4 July 1867; James Flemming to James George Currie, letter, 18 July 1867, James George Currie Papers, Public Archives of Canada; and *The History of the County of Welland, Ontario: Its Past and Present* (Welland, Ont.: Tribune Printing House, 1887), p. 157.

<sup>7</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario: Candidates and Results with Statistics from the Records*, comp. Office of the Chief Election Officer (Toronto: Office of the Chief Election Officer, 1985), p. 112; and *History of the County of Welland*, pp. 142, 157.

<sup>8</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 5, 1st Session, 2nd Parliament (Toronto: Hunter, Rose & Co., 1872), p. 36; and Clarke, *Sixty Years in Upper Canada*, pp. 177-178.

<sup>9</sup>With the passage of the legislation, an 'exodus' of prominent members of the Legislature (such as Edward Blake) began. See: *ibid.*, pp. 54, 125, 126, 189, 210, 216, 217, 218, 219, 250.

<sup>10</sup>*Idem*, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 6, 2nd Session, 2nd Parliament (Toronto: Hunter, Rose & Co., 1873), pp. 33, 41, 130, 162, 164, 182, 188, 196, 199, 219, 371.

<sup>11</sup>See: "Election of New Speaker," *Toronto Globe*, 8 January 1874.

<sup>12</sup>James George Currie to Hon. W. P. Howland, letter, 29 March 1873, Howland Papers, Archives of Ontario.

<sup>13</sup>Minister of Justice to James George Currie, letter, 17 November 1873, James George Currie Papers, Public Archives of Canada.

<sup>14</sup>Oliver Mowat to James George Currie, letters, 29 February 1876 and 4 March 1876, James George Currie Papers, Public Archives of Canada.



<sup>15</sup>See: *Report of the Select Committee appointed to Investigate the Charges of Hon. Archibald McKellar against John Charles Rykert*, James George Currie, Chairman, 17 December 1874, Archives of Ontario.

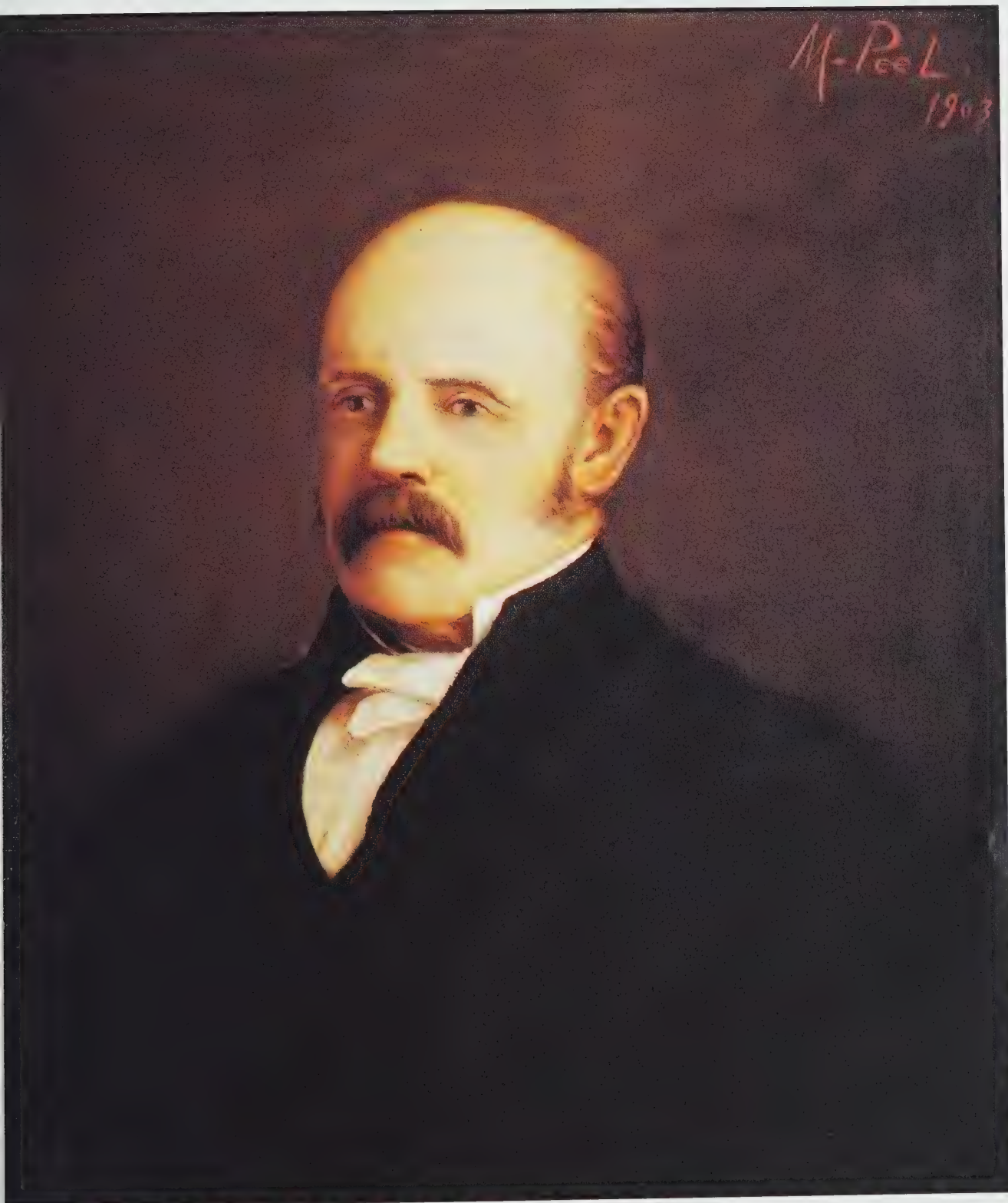
<sup>16</sup>Ontario Bar Biographical Project; and Minutes of Convocation, Volume 5, p. 570, Law Society of Upper Canada Archives, Osgoode Hall.

<sup>17</sup>"Let Justice Be Done," *The Thorold Post*, 7 September 1877. See also: "A Few Kind Words!" *St. Catharines Evening Journal*, 19 February 1876; and "J. G. Currie's Character," *The Tribune*, James George Currie Papers, Public Archives of Canada.

<sup>18</sup>The records of the period contain Currie's petition but do not contain the final judgement of the Disciplinary Committee. See: Minutes of Convocation, Law Society of Upper Canada, vol. 6, p. 207 and vol. 1(PM), p. 266, Law Society of Upper Canada Archives, Osgoode Hall.

<sup>19</sup>See: "J. G. Currie Dead," *The Daily Standard*, 9 December 1901.

*Rupert Mearse Wells*



**Rupert Mearse Wells**  
**1874-1879**

*Portrait by Mildred Peel*

## RUPERT MEARSE WELLS

Rupert Mearse Wells was born on 25 November 1835 in Prescott County, Upper Canada. He received his early education in the local schools at Brockville and later attended the University of Toronto. Wells distinguished himself academically at the University and, at his graduation in 1854, was awarded the Jameson gold medal for history and a silver medal in ethics.<sup>1</sup> Like many other young men of his day, Wells chose to study law and articulated with the firm of Blake, Conner, Morrison and McDonald. Although illness kept him from attending lectures during the Michaelmas Term of 1855 -- and ultimately forced him to forfeit the term<sup>2</sup> -- Wells persevered in his studies and, in 1857, was called to the Bar.<sup>3</sup>

Wells did not immediately pursue a career in law after his call to the Bar. In 1857, he founded *The Economist*, a newspaper which served the Ottawa and Montreal areas. Wells served as editor, publisher and proprietor of the small publication until 1860.<sup>4</sup> In 1862, he resumed the practice of law and joined with future premier Edward Blake and eventual Liberal senator James Kirkpatrick Kerr to create the firm of Blake, Kerr and Wells.<sup>5</sup> This partnership was dissolved in 1870. In this year Wells and Toronto politician Angus Morrison formed the firm of Morrison, Wells and Gordon.<sup>6</sup>

While Wells' business partnerships can attest to his growing social and political influence, his administrative appointments during this period are proof of his ascent into the province's governing elite. In 1871 he was appointed County Attorney for York, a position he held for several months.<sup>7</sup> In the same year Wells gained a degree of prominence within the legal community when he was made a sub-scrutineer for the Law Society of Upper Canada's first Benchers elections.<sup>8</sup>

Wells' political sympathies had always tended in the same direction as those of his father. The younger Wells was more closely allied with the party's left-wing Reform group than with the "old-style" George Brown Grits. Edward Blake, Wells' friend and former legal associate, led this coalition of Liberal Reformers and, upon the resignation of John Sandfield Macdonald in 1871, became Premier of the Province of Ontario. Blake left provincial politics in 1872, calling upon his friend Wells to take his place as the Liberal candidate for the constituency of Bruce South in the resultant by-election. Although a non-resident, Wells won and on 8 January 1873 was sworn in as the member for Bruce South.<sup>9</sup>



The *Journals* for the year 1873 show that Wells' participation in the daily business of the House was infrequent and lacklustre. Despite his poor showing that first year, Wells came to prominence late in the Assembly's third session when, on 29 March 1873 speaker James George Currie resigned the Chair, necessitating the election of a new Speaker. Premier Oliver Mowat nominated the member for Bruce South as Currie's successor, disregarding protests that Wells was neither experienced enough nor qualified for the office. On 7 January 1874, Rupert Mearse Wells became the third Speaker to preside of the province's second Legislature.<sup>10</sup>

Wells was returned to the Assembly in the general election of 1875. On 24 November 1875, Premier Mowat rose and, citing the British custom of re-electing the Speaker of the previous Assembly if he should be returned to the House, nominated Wells for the Chair. Defending Wells' nomination, Mowat stated that

The act of choosing a Speaker is not one on which any question of policy depends; the legislation of the House is not affected by the question of who is its Speaker, and there is no matter of Government which is influenced by the gentleman who occupies the Chair.<sup>11</sup>

Conservative Opposition Leader Matthew Crooks Cameron was not of this opinion and vehemently objected to Wells' nomination. He questioned Wells' qualifications for the position, maintaining that

[the] Hon. gentlemen opposite may find it very convenient to have a gentlemen who will not discharge the duties of Speaker with that fairness and deliberation which ought to mark the conduct of one who is raised by the voice of this House to the highest position it is possible to give him.<sup>12</sup>

Alas, Cameron did not push the issue by calling for a vote on the nomination. With Cameron's complaint duly recorded in the minutes of the Assembly, Rupert Mearse Wells was declared "unanimously" elected to the Chair. He became the first Speaker to be re-elected for a second consecutive term since Confederation.<sup>13</sup>

In the course of Wells' second Speakership, he came under fire from the editor of the *Toronto Daily Mail* for alleged extravagance in the spending of public money. The morning edition of 11 January 1876 contained an editorial accusing the Speaker of spending several hundred dollars on furniture and robes since his election to the Chair. The editorial called upon the electors of Bruce South "to send a man to the Assembly who is able to pay for his own shoes and stockings."<sup>14</sup> Wells was quick to respond and, in a letter to the editor of the *Mail*, suggested that the allegations were unfounded. The Clerk of the House, he wrote, had assured him that "the previous Speakers had been accustomed to order such things [as furniture] upon their own authority." Wells claimed that the expenditures were perfectly in keeping with the immediate needs of the Speaker's office and the House itself.<sup>15</sup> He concluded his defence with the suggestion that he failed to understand the editor's concerns as "the House has always sanctioned the same expenditure for my predecessors."<sup>16</sup>

Wells was returned to the Assembly in 1879 but was not elected to the Speakership for a third time. In 1882, he resigned his seat in the provincial Assembly in order to run at the federal level. He was elected to the House of Commons in 1882 as the member for Bruce East, holding this seat until 1887 when he was defeated in the federal general election.<sup>17</sup> Shortly thereafter, Wells withdrew from politics and returned to a full-time legal career as the head of the firm of Wells and McMurchy. He was made Queen's Counsel by Ontario in 1876 and was recognized in the same manner by the Dominion in 1889. He continued to practice law until his death in 1902.<sup>18</sup>

## Notes

<sup>1</sup>A *Cyclopedia of Canadian Biography*, ed. George Maclean Rose (Toronto: Rose Publishing Co., 1888), p. 639; Robert Brown, *The House that Blakes Built* (Toronto: Blake, Cassels, August 1980), p. 89; and Kathleen Finlay, *Speakers of the Legislative Assembly of Ontario, 1867-1984* (Toronto: Legislative Library, Research and Information Services, 1985), p. 22.

<sup>2</sup>Volume 3 of the Minutes of Convocation for the Law Society of Upper Canada contains a petition from Rupert Mearse Wells which requests that although he was too ill to attend Oliver Mowat's lectures on the first day of Michaelmas Term, 1855, he "may be placed in the same position as if he had

attended the said lecture in order that the keeping of said Term may be complete." The Convocation, the governing body of the Law Society of Upper Canada, refused his request on the grounds that Wells did not register on the first day of the said term.

See: Minutes of Convocation, Law Society of Upper Canada, Volume 3, p. 491, Law Society of Upper Canada Archives, Osgoode Hall.

<sup>3</sup>Barrister's Rolls, 1809-1885, Law Society of Upper Canada Archives, Osgoode Hall; and Brown, *The House that Blakes Built*, p. 89.

<sup>4</sup>See: R. M. Wells, *Vankleek Hill: The Economist*, MG 24 D 83, Public Archives of Canada. See also: Rose, *Cyclopedia of Canadian Biography*, p. 640.

<sup>5</sup>In his biography of Wells, George M. Rose cites 1860 as the year in which this partnership was formed. See: Rose, *Cyclopedia of Canadian Biography*, p. 640.

See also: Allan Graydon, *Some Reminiscences of Blakes* (Toronto: Blake, Cassels, 1970), Appendix; and Brown, *The House that Blakes Built*, p. 89.

<sup>6</sup>Rose, *Cyclopedia of Canadian Biography*, p. 640.

<sup>7</sup>*Ibid.*; and Brown, *The House that Blakes Built*, p. 89.

<sup>8</sup>It does not appear that Wells had to act in this capacity during the Benchers elections. See: Minutes of Convocation, Law Society of Upper Canada, Volume 5, p. 491, Law Society of Upper Canada Archives, Osgoode Hall.

<sup>9</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario* (Toronto: Office of the Chief Election Officer, 1985), p. 524; *Legislators and Legislatures of Ontario*, vol. 2: 1867-1929, comp. Debra Forman (Toronto: Legislative Library, Research and Information Services, 1985), pp. 19, 21; Charles Clarke, *Sixty Years in Upper Canada with Autobiographical Recollections* (Toronto: William Briggs, 1908), p. 200; and Finlay, *Speakers of the Legislative Assembly of Ontario*, p. 22.

<sup>10</sup>C. R. W. Biggar, *Sir Oliver Mowat: A Biographical Sketch*, vol. 1 (Toronto: Warwick Brothers & Rutter Ltd., 1905), p. 237; Forman,



*Legislators and Legislatures of Ontario*, vol. 2: 1867-1929, pp. 14, 19; and Finlay, *Speakers of the Legislative Assembly of Ontario*, p. 23.

<sup>11</sup>*Toronto Globe*, 24 November 1875.

<sup>12</sup>*Ibid.*

<sup>13</sup>*Ibid.*; Clarke, *Sixty Years in Upper Canada*, p. 200; and Finlay, *Speakers of the Legislative Assembly*, p. 24.

<sup>14</sup>*Toronto Daily Mail*, 11 January 1876.

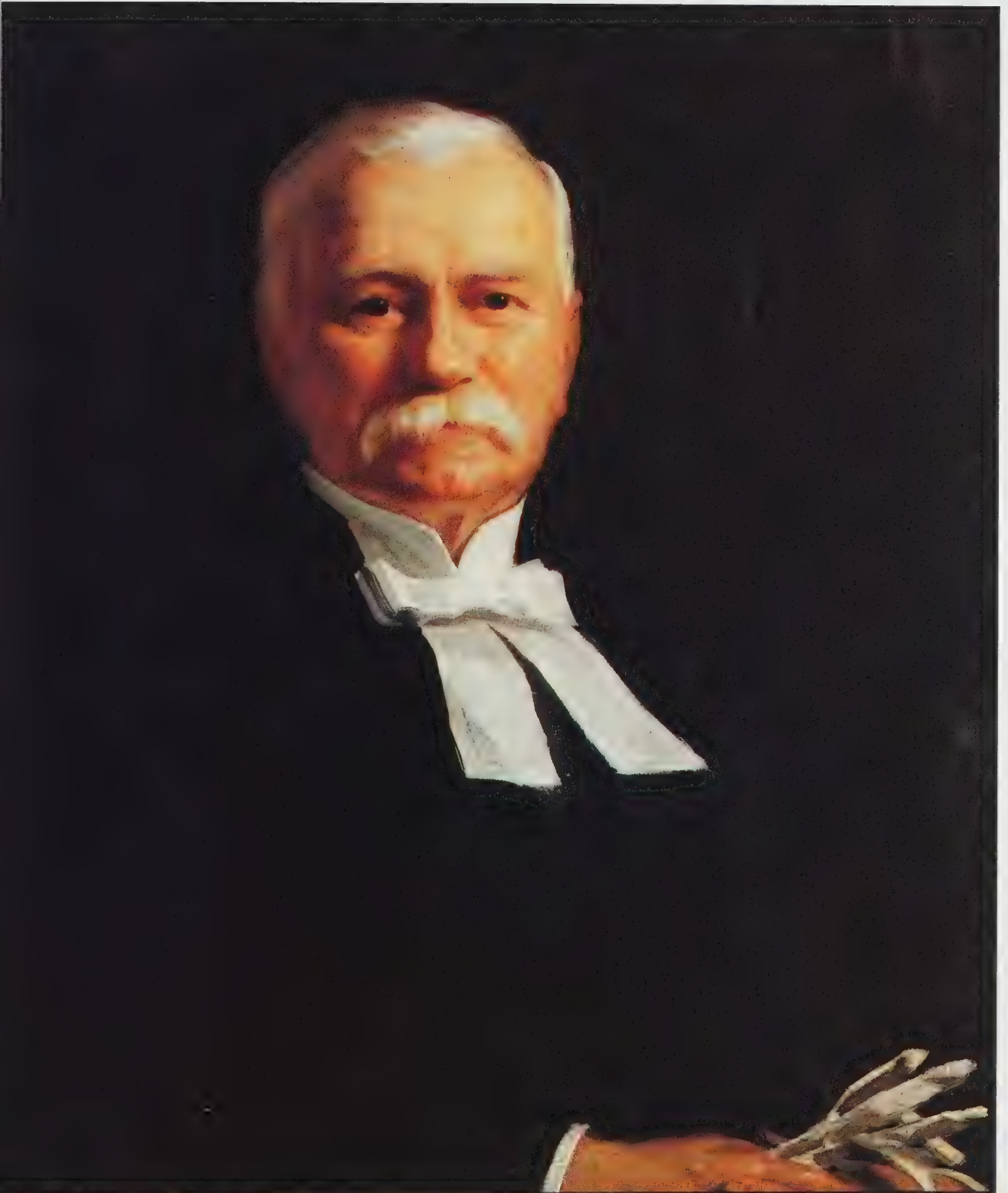
<sup>15</sup>*Toronto Daily Mail*, 12 January 1876.

<sup>16</sup>*Ibid.*

<sup>17</sup>*The Directory of Canadian Parliament, 1867-1967*, ed. J. K. Johnson (Ottawa: Public Archives of Canada, 1968), p. 597.

<sup>18</sup>Brown, *The House that Blakes Built*, p. 90; and Finlay, *Speakers of the Legislative Assembly*, p. 24.

*Charles Kirk Clarke*



**Charles Kirk Clarke**

**1880-1886**

*Portrait by J.W.L. Forster*

## CHARLES KIRK CLARKE<sup>1</sup>

Many of the men who have held the office of Speaker of the Legislative Assembly over the last 200 years have left the Chair to pursue other governmental posts. Some former Speakers, such as Allan Napier MacNab, August-Norbert Morin or John Sandfield Macdonald, went on to become Premiers. Others, such as Richard William Scott, left the Chair to accept more influential cabinet positions. In the history of the Legislative Assembly, however, only one individual has served both as Speaker and as Clerk of the House.

Charles Kirk Clarke was born 28 November 1826 in Lincoln, England. He was educated at the local Lincoln school by the prominent English radical Rev. Thomas Cooper and at Waddington, Lincolnshire by George Boole, who later became the first professor of mathematics at Queen's College in Cork, Ireland.<sup>2</sup> Upon completion of his education at the age of 14, Clarke was apprenticed to John Norton, a linen draper who was also a well-known political radical. Perhaps due to the influence of his new employer, Clarke drafted an "Address to the Young Men of England" at the age of 15. The address dealt with one of the most turbulent political issues of the time in Britain: free trade. In the essay, he urged the youth of his day to batter down "the hitherto unfathomable dungeons of ignorance of our modern aristocrats."<sup>3</sup>

Clarke emigrated to Canada in 1844; his mother, stepfather and other relatives had made the same journey only the year earlier.<sup>4</sup> In June of that year, Clarke settled in the Niagara District and began a life as a farmer. He stayed on his Dunnville, Ontario farm until 1848 when a bout of fever forced him to resettle in Elora.<sup>5</sup> In the years following his relocation, Clarke turned his attention from agriculture to business and journalism. During the day, Clarke worked as a chemist's assistant in a drug store in Hamilton, Ontario, a community some 40 miles from Elora. During the evenings, he worked as a writer for the *Hamilton Journal and Express*, a semi-weekly Reform oriented publication.<sup>6</sup> In 1852, the *Elora Backwoodsman* was founded by Clarke and other Reform party supporters. Although not identified on the letterhead, Clarke did a great deal of editorial work for the publication.

With the incorporation of Elora in 1857 Clarke began his distinguished career in politics. In 1858, he was elected to the town's first council. He was appointed Reeve the following year, an office he held until 1864.



Clarke was re-elected to this office for one term in 1867. In addition to these posts, Clarke served as a School Trustee and as a member of the Elora High School Board.<sup>7</sup>

It was also during this period that Clarke became involved in the local militia. With the outbreak of the American Civil War in 1861, the people of Elora became concerned about the possibility of an American invasion of Canada. In the same year, a volunteer rifle corps was organized to combat this threat; Clarke joined and was given the rank of lieutenant. In 1866, due to his service at Chatham and Point Edward during the Fenian Raids, he was promoted to the rank of captain. By 1871, Clarke had reached the rank of lieutenant-colonel in command of the Elora regiment.<sup>8</sup>

Given his early and continued interest in politics, it is not surprising that Clarke eventually decided to run for a seat in the provincial Assembly. In 1871 he was unanimously nominated as the Reform candidate for the riding of Wellington Centre and defeated his Conservative opponent in the general election by 674 votes.<sup>9</sup> In the course of the second parliament, Clarke served on a number of committees, including those concerned with private bills, the printing of Assembly reports and the consideration of amendments to municipal legislation.<sup>10</sup> On 15 January 1873, it was Clarke who introduced a bill providing for the use of secret ballots in parliamentary elections. In his autobiography, he notes that in the years following Confederation, electoral corruption had become "so serious and threatening that every honest man felt the necessity of some effective remedy."<sup>11</sup> This bill was Clarke's contribution to the fight against such corruption. Although the legislation was not passed during this session, it was reintroduced as a government bill the following year and subsequently endorsed by the House.<sup>12</sup>

Clarke was returned to the House by acclamation in 1875 and by a substantial majority in 1879.<sup>13</sup> The fourth Legislative Assembly of Ontario convened in Toronto on 7 January 1880; on this date, Charles Clarke was nominated for the office of Speaker and duly elected to the Chair.<sup>14</sup> During Clarke's initial term in the Chair, a great deal of legislation concerning social issues was placed before the House. For example, the welfare of the destitute mentally ill and the protection of railway employees were the subjects of bills introduced and passed in the Assembly's first two sessions.<sup>15</sup> Also during this parliament, a bill to establish the first provincial board of health was proposed and ratified by the Legislature.<sup>16</sup>

In 1883, Clarke was returned to the Assembly as the member for Wellington Centre. When the House met on 23 January 1884, he was also returned to the Office of Speaker of the Legislative Assembly and became only the second individual since Confederation to hold the Chair for two consecutive terms.<sup>17</sup>

One of the most noteworthy bills presented to the House at this time concerned the case of Delos R. Davis. On 12 February 1884, William Balfour -- a future Speaker of the House -- introduced *An Act to authorize the Supreme Court of Judicature for Ontario to admit Delos Roger Davis to practise as a Solicitor*. The passage of such legislation was not uncommon in the House in this period as many already qualified legal practitioners sought to waive the Law Society of Upper Canada's educational requirements through the attainment of a parliamentary act. Davis' case, however, was different. As a black man, Davis could not find a legal firm that would take him on as a student. Without this experience, it would have been impossible for Davis to be called to the Bar in Ontario. With the passage of Balfour's act late in the Assembly's first session, Delos R. Davis became the first black lawyer to practice in Ontario.<sup>18</sup>

Of all the legislation that came before the House during Clarke's second term as Speaker, the most interesting involved the type of political corruption Clarke sought to eradicate. On 17 March 1884, Robert McKim and William Balfour brought it to the attention of the Speaker that they had been offered large sums of money to induce them to vote against the Government.<sup>19</sup> The "Bribery Plot," as it came to be known, rocked the Assembly. The Assembly's Committee on Privileges and Elections launched an investigation into the matter.<sup>20</sup> A separate judicial commission was also assigned to investigate the charges of entrapment that were laid against members of the House including Timothy Blair Pardee, Arthur Sturgis Hardy and Oliver Mowat. Ultimately, both investigations were completed and charges brought against Christopher W. Bunting, John A. Wilkinson, Edward Meek and F. S. Kirkland -- all members of the provincial Conservative party. All four were acquitted in the York County Court of Assizes.<sup>21</sup>

Clarke was returned to the House in 1886, this time as the Member for the riding of Wellington East. He did not assume the duties of the Speakership for a third term but, rather, resumed his seat as a private member. He served as Chairman of the Public Accounts Committee until he resigned in 1891 to accept an appointment as Clerk of the House.<sup>22</sup> At the urging of



Premier Mowat, Clarke authored the *Member's Manual*, a guide to practice and procedure in the Legislative Assembly.

Charles Clarke retired as Clerk of the House in 1907. In the following year he published his autobiography in the form of reminiscences. *Sixty Years in Upper Canada* is still a valuable tool for understanding the politics and society of nineteenth-century Ontario. Clarke died in Elora on 6 April 1909.

### Notes

<sup>1</sup>Although Clarke's autobiography, *Sixty Years in Upper Canada*, does not give his second name, a diary kept by Clarke at age 8 reads "Charles Kirk Clarke."

<sup>2</sup>For a description of Clarke's early school days, see Charles Clarke's Diary, 1866, Charles Clarke Papers, Wellington County Archives. See also: Charles Clarke, *Sixty Years in Upper Canada with Autobiographical Recollections* (Toronto: William Briggs, 1908), pp. 7-16; George M. Rose, ed., *A Cyclopedia of Canadian Biography* (Toronto: Rose Publishing Co., 1886), pp. 278-279; John C. Dent, "The Hon. Charles Clarke, Speaker of the Legislative Assembly of Ontario," *The Canadian Portrait Gallery*, vol. 3 (Toronto: John B. Magurn, 1881), p. 204.

<sup>3</sup>John Connon, *Elora: The Early History of Elora and Vicinity*, with an introduction by Gerald Noonan (Elora, Ont.: The Elora Express, 1906; reprint Waterloo, Ont.: Wilfrid Laurier University Press, 1974), p. 135; Rose, *Cyclopedia of Canadian Biography*, p. 279; Clarke, *Sixty Years in Upper Canada*, pp. 30, 45; and Kathleen Finlay, *Speakers of the Legislative Assembly of Ontario, 1867-1984* (Toronto: Legislative Library, Research and Information Services, 1985), p. 25.

<sup>4</sup>Clarke, *Sixty Years in Upper Canada*, pp. 30-32; and Connon, *The Early History of Elora*, p. 135.

<sup>5</sup>Clarke, *Sixty Years in Upper Canada*, pp. 38-43.

<sup>6</sup>*Ibid.*, pp. 44-45; Kenneth C. Dewar, "Charles Clarke and the Clear Grits: Early Victorian Radicalism in Upper Canada," unpublished journal article,



pp. 1-2; Rose, *Cyclopedia of Canadian Biography*, p. 279; and Dent, "The Hon. Charles Clarke," pp. 204-205.

<sup>7</sup>Clarke, *Sixty Years in Upper Canada*, p. 99; Connon, *The Early History of Elora*, pp. 137, 143; Dent, "The Hon. Charles Clarke," p. 205; and Finlay, *Speakers of the Legislative Assembly*, pp. 25-26.

<sup>8</sup>Finlay, *Speakers of the Legislative Assembly*, p. 26; Rose, *Cyclopedia of Canadian Biography*, p. 279; and Dent, "The Hon. Charles Clarke," pp. 205-206.

<sup>9</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario: Candidates and Results with Statistics from the Records*, comp. Office of the Chief Election Officer (Toronto: Office of the Chief Election Officer, 1985), p. 87; and Dent, "The Hon. Charles Clarke," p. 206.

<sup>10</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 6, 2nd Session, 2nd Parliament (Toronto: Hunter, Rose & Co., 1873), pp. 21, 50.

<sup>11</sup>Clarke, *Sixty Years in Upper Canada*, p. 103.

<sup>12</sup>*Ibid.*, p. 29; and *Toronto Globe*, 14 January 1874 and 27 February 1874.

<sup>13</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario*, p. 87.

<sup>14</sup>*Idem*, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 13, 1st Session, 4th Parliament (Toronto: Legislative Assembly, 1880), pp. 4-5; and Clarke, *Sixty Years in Upper Canada*, p. 242

<sup>15</sup>See: Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 13, 1st Session, 4th Parliament, pp. 25, 40, 123, 134, 141, 166; and *idem*, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 14, 2nd Session, 4th Parliament (Toronto: Legislative Assembly, 1881), pp. 58, 102, 121, 139, 163.

<sup>16</sup>*Idem*, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 15, 3rd Session, 4th Parliament (Toronto: Legislative Assembly, 1882), pp. 85, 101, 105, 113, 117, 162.

<sup>17</sup>Although Rupert Mearse Wells was Speaker of the Legislative Assembly for both the second and the third parliaments, his election to this position came late in the third session of the second parliament. Thus it is possible to state that Clarke was truly the first Speaker to preside fully over two parliaments.

See: Idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 17, 1st Session, 5th Parliament (Toronto: Legislative Assembly, 1884), p. 4; Graham White, *The Ontario Legislature: A Political Analysis* (Toronto: University of Toronto Press, 1989), p. 55; and Clarke, *Sixty Years in Upper Canada*, p. 267.

<sup>18</sup>See: Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 17, 1st Session, 5th Parliament, pp. 36, 54, 59, 103, 120, 126, 140, 201.

For more information regarding the career of Delos R. Davis, see: Julius Isaac, "Delos Roger Davis, K. C.," *The Law Society of Upper Canada Gazette* vol. 24, No. 4 (December 1990): 293-301; and "Delos R. Davis," Biographical Files, Law Society of Upper Canada Archives, Osgoode Hall.

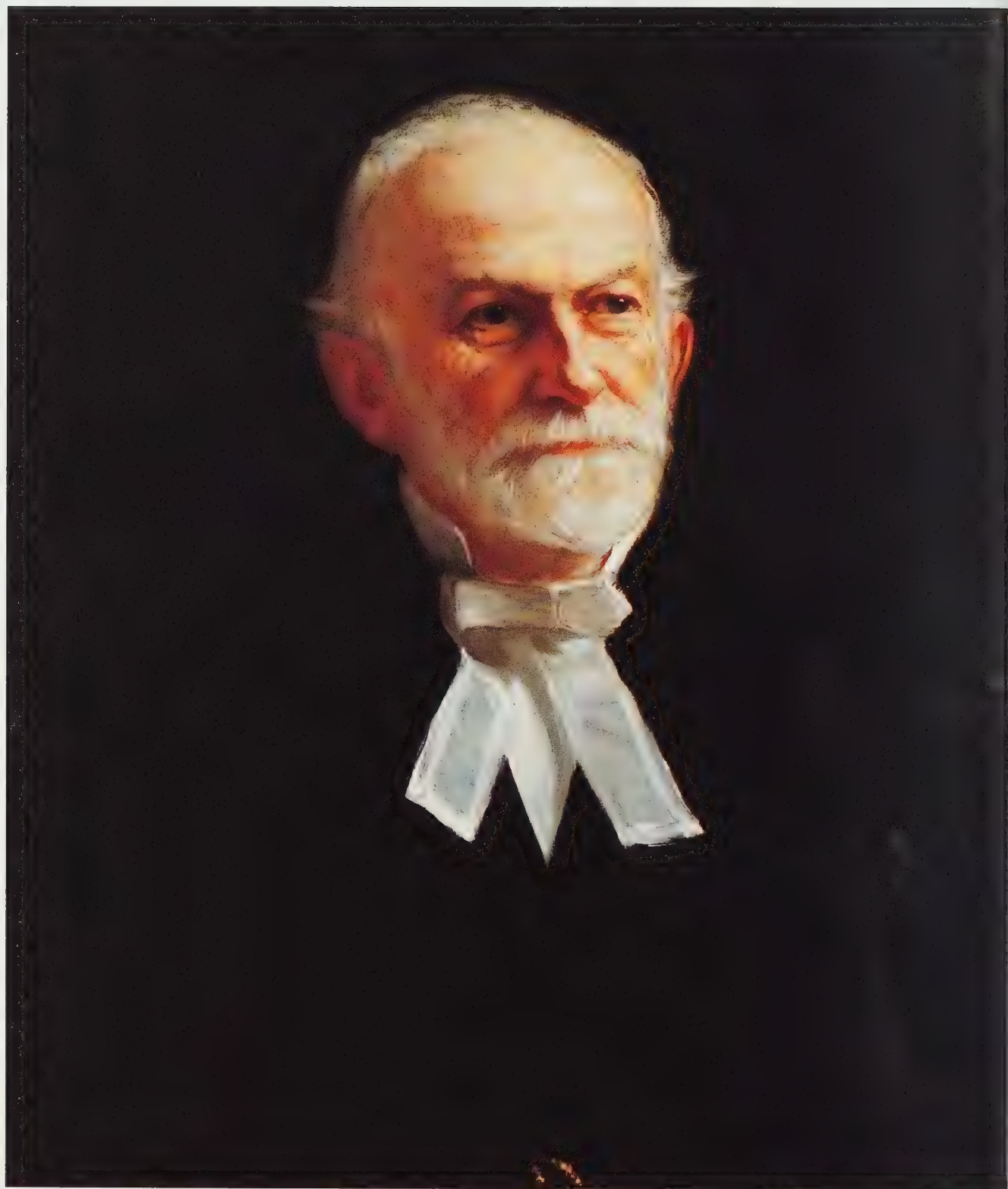
<sup>19</sup>For a detailed account of the events of the "Bribery Plot," see: Clarke, *Sixty Years in Upper Canada*, pp. 277-291. See also: Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 17, 1st Session, 5th Parliament, pp. 149, 150-151, 154-157, 160, 198, 199.

<sup>20</sup>For the text of the Committee's report, see: Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 17, 1st Session, 5th Parliament, Appendix 2.

<sup>21</sup>Clarke, *Sixty Years in Upper Canada*, pp. 284-291.

<sup>22</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 24, 1st Session, 7th Parliament (Toronto: Legislative Assembly, 1891), p. 2.

*Jacob Baxter*



**Jacob Baxter**  
**1887-1890**

*Portrait by J.W.L. Forster*



## **JACOB BAXTER**

Jacob Baxter was born 6 June 1832 in Welland County, Upper Canada. Due to the social and political prominence of his father Jacob Baxter, Sr., former Reeve of the Township of Bertie, the younger Baxter was constantly reminded of the importance of community and public service during his early years.<sup>1</sup> Jacob was educated first at local schools and went on to study medicine at several distinguished institutions including the Toronto School of Medicine,<sup>2</sup> the Department of Medicine at the University of New York, and Bellevue Hospital Medical College, New York City. He received his licence to practice in the province in 1853. Shortly thereafter, he and his younger brother, Dr. Benjamin Baxter, set up practice in Cayuga.<sup>3</sup>

From an early age, Baxter had been acquainted with his family's military heritage. His father served as a captain during the War of 1812 and had been present at the Battle of Fort Erie. The wounded from this particular battle had been taken to the family barn which served as a make-shift hospital.<sup>4</sup> In light of these events, it is not surprising that the younger Baxter took a keen interest in military affairs. Joining the 2nd Battalion of Haldimand, 37th Regiment, as its surgeon in 1856, he served for several years and retired with the rank of surgeon-lieutenant colonel.<sup>5</sup>

In 1867, Baxter turned his attention to provincial politics. A life-long Reformer, it was in this year that he accepted the Liberal nomination for the riding of Haldimand and ran as a candidate in the province's first general election since Confederation.<sup>6</sup> On 3 September 1867 Baxter was elected to the House with a plurality of almost 57 per cent. This was to be the first of several political victories; over the next quarter-century the member for Haldimand had little difficulty retaining his seat in the Legislature.<sup>7</sup>

During his initial term in office, Baxter became greatly involved with the business of the House. He served on the Assembly's Committee on Privileges and Elections and on committees which considered an interesting assortment of bills ranging from the regulation of the sale of poison to a proposed tax on dogs.<sup>8</sup> He was re-elected to the Assembly in 1871, 1873, 1879, and 1883 and actively continued to represent the interests of his constituents through his participation in several legislative committees.<sup>9</sup> In addition, it was Baxter who was responsible for the introduction and ultimate passage by the House of a series of bills to amend and consolidate the acts regulating the practice of medicine and surgery in Ontario.<sup>10</sup>

Through his many years of public service, Baxter attained considerable influence both inside and outside the House. In 1887, his stature in the Liberal party and in the Assembly itself was confirmed when he was elected to the office of Speaker upon the opening of the sixth provincial parliament on 10 February 1887.<sup>11</sup> In his autobiography, Charles Clarke -- a former Speaker who had seconded Baxter's nomination -- noted that due to "his large experience, his natural dignity, and knowledge of parliamentary law, he [Baxter] was well-fitted to occupy the position to which he was . . . called."<sup>12</sup>

Baxter presided over an Assembly preoccupied with issues ranging from the growing temperance movement to constitutional questions on provincial rights. The Escheats cases, the *Crooks Act* and the River and Streams bill had created tension between the federal Conservative government and the provincial Liberal government of Ontario. Over the course of Baxter's Speakership, the Ontario Legislature became a place where this conflict was often played out with the provincial Conservatives taking up the cause of federal rights. The inability to solve the question of the boundary between Manitoba and Ontario served as a focal point for a fierce battle between the two parties and their constitutional ideals.<sup>13</sup> As regards the temperance movement, the Assembly was flooded with petitions demanding legislation which would enforce the existing temperance laws either through education or additional police powers.<sup>14</sup> A bill "to provide for the enforcement of the Temperance Laws" was subsequently introduced and quickly passed in the House.<sup>15</sup>

In addition to these matters, the House also debated and passed legislation dealing with higher education in the province, in particular the federation of the University of Toronto<sup>16</sup> and the unification of the Toronto Baptist College with Woodstock College under the name of McMaster University.<sup>17</sup> The question of women's suffrage was also given frequent, but cursory, examination by the Assembly. In the course of the parliament's first session, numerous petitions were presented to the House concerning the extension of franchise to women in the province.<sup>18</sup> Perhaps in response to these requests, bills were introduced to amend the election laws and to permit women to vote in provincial elections during the following two sessions. Both pieces of legislation were discharged on the second reading by large majorities.<sup>19</sup>

Baxter's only defeat came in the provincial general election of 1894 when he lost his seat in the House to John Senn who had campaigned under the



Patrons of Industry banner. Indeed, this election was the first in which the Patrons held the status of a recognized provincial party. The strength of their appeal to agrarian interests had won the Patrons 17 seats in the legislature. As the opening of the seventh provincial parliament approached, the Patrons presented the Liberals and Conservatives with a distinct third-party force in the House. Senn was forced to vacate his seat on petition and, in the resulting by-election, lost to the "charter member" for Haldimand, Jacob Baxter.<sup>20</sup>

After serving the constituents of Haldimand for over 20 years, Baxter retired from provincial politics in 1898. Shortly after his departure from the Assembly, he was appointed registrar of deeds for Haldimand County. He held this office until his death on 23 July 1912.

### Notes

<sup>1</sup>Jacob Baxter, Sr. was also a leader in agricultural matters and established the first agricultural society of Bertie Township.

*The Canadian Biographical Dictionary and Portrait Directory of Eminent and Self-Made Men*, Ontario Volume (Toronto, Chicago and New York: American Biographical Publishing Company, 1880), p. 117; and Kathleen Finlay, *Speakers of the Legislative Assembly of Ontario, 1867-1984* (Toronto: Legislative Library, Research and Information Services, 1985), p. 29.

<sup>2</sup>While some sources state that Baxter did study medicine at Toronto, Finlay notes that his name never appeared on the rolls of the Toronto School of Medicine. See: Finlay, *Speakers of the Legislative Assembly*, p. 29.

<sup>3</sup>*Ibid.*; and *Canadian Biographical Dictionary*, Ontario Volume, pp. 117-118.

<sup>4</sup>R. B. Nells, *The County of Haldimand in the Days of Auld Lang Syne* (Port Hope, Ont.: The Hamly Press, 1905), p. 83; and Finlay, *Speakers of the Legislative Assembly*, p. 29.

<sup>5</sup>Anonymous, "Summary of the Records of the 37th Regiment, Haldimand Rifles, compiled c. 1913," Caledonia Museum Collection; Nelles, *County of Haldimand*, p. 86; "Hon. Jacob Baxter has passed away," *The Globe*,



23 July 1912; *Canadian Biographical Dictionary*, p. 118; and Finlay, *Speakers of the Legislative Assembly*, p. 29

<sup>6</sup>Nelles, *County of Haldimand*, p. 49.

<sup>7</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario, 1867-1982: Candidates and Results with Statistics from the Records*, comp. Office of the Chief Election Officer (Toronto: Office of the Chief Election Officer, 1985), p. 23.

<sup>8</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 1, 1st Session, 1st Parliament (Toronto: Legislative Assembly, 1868), pp. 12, 21; idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 2, 2nd Session, 1st Parliament (Toronto: Legislative Assembly, 1869), pp. 11, 32; and idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 3, 3rd Session, 1st Parliament (Toronto: Legislative Assembly, 1869), pp. 12, 42.

<sup>9</sup>For examples of Baxter's involvement in the business of the House during this period, see: Idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 5, 1st Session, 2nd Parliament (Toronto: Hunter, Rose & Co., 1872), pp. 50, 82; idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 6, 2nd Session, 2nd Parliament (Toronto: Hunter, Rose & Co., 1873), p. 21; idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 13, 1st Session, 4th Parliament (Toronto: Legislative Assembly, 1880), p. 20; idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 17, 1st Session, 5th Parliament (Toronto: Legislative Assembly, 1884), pp. 48, 49; and idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 18, 2nd Session, 5th Parliament (Toronto: Legislative Assembly, 1885), pp. 22, 23.

<sup>10</sup>*Canadian Biographical Dictionary*, Ontario Volume, p. 118; and Finlay, *Speakers of the Legislative Assembly*, pp. 29-30.

<sup>11</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 20, 1st Session, 6th Parliament (Toronto: Legislative Assembly, 1887), p. 4.

<sup>12</sup>Charles Clarke, *Sixty Years in Upper Canada with Autobiographical Recollections* (Toronto: William Briggs, 1908), p. 292.

<sup>13</sup>Finlay, *Speakers of the Legislative Assembly*, p. 30.

<sup>14</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 20, 1st Session, 6th Parliament, pp. 52, 60, 66, 77, 84, 88, 93, 99, 102, 106, 108, 115, 117, 123, 139.

<sup>15</sup>*Ibid.*, pp. 111, 126, 134, 142, 156.

<sup>16</sup>*Ibid.*, pp. 99, 110, 114, 119, 148, 156.

<sup>17</sup>*Ibid.*, pp. 25, 31, 38, 99, 119, 127, 142, 156.

<sup>18</sup>*Ibid.*, pp. 76, 84, 88, 98, 108, 115.

<sup>19</sup>*Idem*, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 22, 3rd Session, 6th Parliament (Toronto: Legislative Assembly, 1889), pp. 21, 81-82; and *idem*, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 23, 4th Session, 6th Parliament (Toronto: Legislative Assembly, 1890), pp. 25, 198.

<sup>20</sup>Province of Ontario, Elections Ontario, *Electoral History of the Province of Ontario*, p. 23; Finlay, *Speakers of the Legislative Assembly*, pp. 30-31; and "Hon. Jacob Baxter has passed away," *The Globe*, 23 July 1912.

*Thomas Ballantyne*



**Thomas Ballantyne**

**1891-1894**

*Portrait by J.W.L. Forster*



## THOMAS BALLANTYNE

Thomas Ballantyne was born 13 August 1829 in Peebles, Scotland. Although little is known of his youth and education, by the age of 23 he had broken with the family tradition of weaving and had become the manager of a co-operative store at Innerleithen, a town not far from Peebles.<sup>1</sup> In 1852, Ballantyne emigrated to Canada and, as many Lowland Scots had before him, settled in the Township of Downie.

Rather than resuming a career in business when he immigrated to Canada, he instead trained himself to be a teacher. Even though he had no formal instruction in education, Ballantyne passed all the examinations required to attain his teaching qualifications and found a position at Byers school in Downie. Ballantyne taught in several schools in the township over a period of eight years.<sup>2</sup> During this period, a proposition was made to reduce Ballantyne's already meagre salary. He accepted the reduction on the condition that the money saved be invested to found a free library. Ballantyne's stipulation was adopted, and he took on the added responsibility of township librarian.<sup>3</sup>

Ballantyne coupled teaching with the pursuit of civic office. In 1855, he became township auditor, and the following year he held the position of township clerk. He alternated between these offices until 1867 when he became the first popularly-elected reeve of Downie.<sup>4</sup> It was in this capacity that Ballantyne had his first experience with unfavourable public opinion. In 1873, he openly supported extending a line of the Port Dover and Lake Huron Railway to the north of Perth County, a plan which would place the railway outside of Downie's sphere of influence. Downie's inhabitants, particularly its business community, were displeased that one of their elected civic representatives (Ballantyne) would not see fit to uphold their interests and had instead supported a railway that favoured the northern townships. Due to his stand on the issue, Ballantyne was defeated in the following local election.<sup>5</sup>

Ballantyne pursued economic interests of his own while serving the township of Downie as a teacher and later as Reeve. In 1867 he built a cheese factory at Black Creek and, in the next decade, became a great force in Ontario's fledgling dairy industry. Modeled on the systems used by New York state cheesemakers, Ballantyne's factory became the Ontario testbed for the study of processing methods. This entrepreneurial concern with quality won great acclaim. In 1867, for example, a sample of his cheeses was awarded the

Gold Medal at the Centennial World Exhibition in Philadelphia. Two years after opening the factory, Ballantyne expanded his operation to include the import and export of cheeses, primarily to Britain.<sup>6</sup>

Before his defeat on the local ballot, Ballantyne had turned his sights to gaining a seat in the provincial Assembly. In 1871, he had unsuccessfully campaigned as the Liberal candidate for the riding of Perth North. In fact, he was rejected by the very voters who had benefited most from the railway he had so strongly supported.<sup>7</sup> The provincial general election of 1875 brought him better luck. Once again running as a Liberal candidate -- this time for the constituency of Perth South -- he was elected to the Legislative Assembly by margin of 53 per cent.<sup>8</sup>

From his earliest days in the Legislature, Ballantyne became immersed in the work of the House. In the course of his five terms, he served as a member of several of the Assembly's Standing Committees including those concerned with Privileges and Elections, Railways, and Public Accounts.<sup>9</sup> The member for Perth South was easily returned to the House in the subsequent general elections of 1879, 1883, 1886 and 1890. When the Legislature opened in Toronto on 11 February 1891, Ballantyne was elected to the office of Speaker of the Legislative Assembly.<sup>10</sup> The new Speaker would be witness to a transition: Ballantyne was the last speaker to preside in the old Chamber on Front Street and the first to preside in the new Queen's Park location. This Speaker had other, more personal links with the past as his sons James and Thomas both married daughters of former Speaker Charles Clarke who was, at the time, Clerk of the Assembly.<sup>11</sup>

A number of diverse issues came to the attention of the House during Ballantyne's tenure in the Speaker's Chair. A bill providing for the construction of new and badly needed parliament buildings was introduced and passed shortly after the opening of the first session.<sup>12</sup> During the parliament's second session, members enacted a bill incorporating the Hospital for Sick Children in Toronto.<sup>13</sup> The rights of women also figured prominently in the House's agenda. On 9 March 1892, future Speaker William Douglas Balfour introduced a bill which proposed that the Law Society of Upper Canada revise its admission policy and admit women to the study of law. In spite of great debate on the issue, the legislation was passed, and Clara Brett Martin became the first woman to be admitted to law school in Canada.<sup>14</sup> The question of women's suffrage, however, fared poorly in the Assembly. On numerous occasions, petitions requesting the



extension of the franchise to women were brought before the Assembly and given due, but only cursory consideration.<sup>15</sup>

Ballantyne ran in the 1894 provincial general election but, like many of his fellow candidates, lost his seat to individuals campaigning under the Patrons of Industry banner. With this loss, Ballantyne became the first sitting Speaker to be defeated since John Stevenson in 1871.<sup>16</sup> After his withdrawal from provincial politics, Ballantyne returned his interest to the dairy industry. In 1903, the directors of the Western Ontario Dairymen's Association passed a resolution urging the Dominion government to appoint Ballantyne a senator and cabinet minister responsible for dairy interests. In the same year, he was offered the office of Lieutenant-Governor. Ballantyne refused because of his advanced age and his wife's recent death.<sup>17</sup>

In the summer of 1908, Ballantyne's health began to deteriorate rapidly and by 9 June he was confined to his bed. In the following days, his condition worsened. Thomas Ballantyne died 29 June 1908 at his son's home in Stratford, Ontario.<sup>18</sup>

### Notes

<sup>1</sup>"The Ballantynes have been stalwart leaders," Newspaper Article, Orr Collection Scrapbooks, Stratford Perth Archives.

<sup>2</sup>Ibid.; and William Ballantyne, "Reminiscences of the Ballantynes," p. 10, Ballantyne Family Papers, Archives of Ontario.

<sup>3</sup>Kathleen Finlay, *Speakers of the Legislative Assembly of Ontario, 1867-1984* (Toronto: Legislative Library, Research and Information Services, 1985), p. 32; and Ballantyne, "Reminiscences of the Ballantynes," p. 11; and "The Ballantynes have been stalwart leaders," Orr Collection Scrapbook, Stratford-Perth Archives.

<sup>4</sup>Finlay, *Speakers of the Legislative Assembly*, p. 32; and Ballantyne, "Reminiscences of the Ballantynes," p. 11.

<sup>5</sup>W. Stafford Johnston and H. J. M. Johnston, *History of Perth County to 1967* (Stratford, Ont.: County of Perth, 1967), pp. 232, 299.



<sup>6</sup>J. A. Ruddick, R. E. English, W. M. Drummond and J. E. Lattimer, *The Diary Industry in Canada*, ed. H. A. Innis (Toronto: The Ryerson Press, 1937), pp. 68, 78, 93, 98; Adelaide Leitch, *Floodtides of Fortune: The Story of Stratford* (Stratford, Ont.: City of Stratford, 1980), pp. 100-101; W. S. Dingman, *The Ballantyne Family in Canada*, pp. 12-13, Manuscript, Ballantyne Family Papers, Archives of Ontario; and Finlay, *Speakers of the Legislative Assembly*, pp. 32-33.

<sup>7</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario, 1867-1982: Candidates and Results with Statistics from the Records*, comp. Office of the Chief Election Officer (Toronto: Office of the Chief Election Officer, 1985), p. 19; and Finlay, *Speakers of the Legislative Assembly*, p. 33.

<sup>8</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario*, p. 19.

<sup>9</sup>See: Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 13, 1st Session, 4th Legislature (Toronto: Legislative Assembly, 1880), p. 20; idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 17, 1st Session, 5th Parliament (Toronto: Legislative Assembly, 1884), pp. 49-50; and idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 20, 1st Session, 6th Parliament (Toronto: Legislative Assembly, 1887), pp. 17, 95.

<sup>10</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 24, 1st Session, 7th Parliament (Toronto: Legislative Assembly, 1891), p. 4.

<sup>11</sup>Finlay, *Speakers of the Legislative Assembly*, p. 34.

<sup>12</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 24, pp. 125, 128, 129, 140, 143, 182. See also: Idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 27, 4th Session, 7th Parliament (Toronto: Legislative Assembly, 1894), pp. 66, 81, 100, 203.

<sup>13</sup>Idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 25, 2nd Session, 7th Parliament (Toronto: Legislative Assembly, 1892), pp. 34, 74, 75, 94, 99, 109, 114, 207.

<sup>14</sup>*Ibid.*, pp. 66, 83, 72, 148-149, 159, 179, 186, 207.

<sup>15</sup>Ibid., pp. 55, 97; and idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 26, 3rd Session, 7th Parliament (Toronto: Legislative Assembly, 1893), pp. 21, 84, 100, 104, 123-124.

<sup>16</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario*, p. 19; and Finlay, *Speakers of the Legislative Assembly*, p. 34.

<sup>17</sup>Dingman, *The Ballantyne Family in Canada*, pp. 14-15; and Finlay, *Speakers of the Legislative Assembly*, p. 34.

<sup>18</sup>See: "Prominent Figure Passed," *The Stratford Herald*, p. 29, June 1908; "Hon. T. Ballantyne Dead," *The Mitchell Advocate*, 3 July 1908; "Funeral Obsequies of Hon. Thomas Ballantyne," *The Stratford Herald*, 2 July 1908; and "Thomas Ballantyne dies at ripe age," *London Free Press*, 30 June 1908.

*William Douglas Balfour*



**William Douglas Balfour**  
**1895-1896**  
*Portrait by Mildred Peel*



## WILLIAM DOUGLAS BALFOUR

Many individuals have been members of the Legislative Assembly of the Province of Ontario, but few have had legislative careers as interesting as William Douglas Balfour's. A teacher, publisher and politician, Balfour's career reflects the professional diversity of those individuals who held administrative posts on both the local and provincial level. Indeed, in the course of his political tenure, Balfour championed the rights of minorities and the underprivileged, became embroiled in a scandal, and held important political offices, including that of Speaker of the House.

Balfour was born on 2 August 1851 in Forfar, Scotland, and was the eldest of five children. In 1857, Balfour's family emigrated to Upper Canada and settled in St. Catharines. He attended the local elementary school and later the Grantham Academy, leaving at the age of 15 to teach school. From 1866 until 1871, he pursued a career as a teacher and, during this period, taught in elementary schools in Grantham and Louth townships.<sup>1</sup>

Although he would never have totally abandoned his interest in educational issues, Balfour left his teaching responsibilities to establish the daily and weekly *St. Catharines News* in partnership with Robert Matheson in 1872. This association lasted until 1874, at which time Balfour moved to Amherstburg where he started the weekly *Amherstburg Echo* with John Allan Auld.<sup>2</sup> The *Echo* propagated the Liberal views of its publishers and often contained articles promoting the Amherstburg area. Eleven years later, Balfour became president of the new joint-stock company that was formed to take over the operation of the *Echo*.

In addition to his journalistic endeavours, Balfour also held local administrative positions during this period. In 1875, shortly after his relocation to Amherstburg, he was elected as a public school trustee. He had held a similar office in St. Catharines in the early 1870s. In 1878, he was elected reeve of the town of Amherstburg and became chairman of the town council's finance committee. Also in his capacity as reeve, Balfour served on several county council committees, including those dealing with education and finance.<sup>3</sup>

With his extensive experience in local politics, it is not surprising that Balfour eventually turned his sights toward a seat in the provincial Assembly. In the provincial general election of 1879 he unsuccessfully campaigned as the Liberal Reform candidate for the riding of Essex South. When Lewis

Wigle, his opponent, resigned the seat three years later to run in the federal general election, Balfour jumped once more into the fray of provincial politics. In October 1882, he was elected to the Assembly as the member for Essex South.<sup>4</sup>

Balfour was returned to the House in 1883 and doubtless was unaware of the part he would play in the upcoming parliament. On 17 March 1884, Balfour and Robert McKim, the member for North Wellington, approached Speaker Charles Clarke and gave him a package. The package contained two separate envelopes and a request that he not open them until he was instructed to do so by Attorney General Oliver Mowat. Mowat's request came at the end of the day's sitting. In his reminiscences, Clarke stated that he opened the envelopes and read the letters

with some curiosity as to the contents of the letters and the novelty of the procedure, but [he was] convinced by the manner of the Attorney-General that the matter was of no common import.<sup>5</sup>

The envelopes contained, in total, the sum of \$1,800; the accompanying letters written by Balfour stated that this money had been given to them in order to influence them to vote against their own government.<sup>6</sup>

The "Bribery Plot," as it is commonly known, "aroused the most profound attention for the members on both sides of the House."<sup>7</sup> Amidst denials from the Conservative opposition of any involvement in the "plot," a majority of the members demanded an inquiry into the allegations put forward by Balfour and McKim. As Clarke notes, a common belief that the "honour and good name of the Legislative Assembly had been besmirched, [and] that its standing, . . . was lowered" only served to convince the Assembly "that the only steps to be taken were such as should fully warrant the most drastic treatment."<sup>8</sup> A judicial inquiry was appointed to look into the matter in January 1884. It found that F. S. Kirkland, a Wisconsin lawyer, F. Stimson, and three Canadians with connections to the Conservative party had attempted to bribe five members in total. Along with Balfour and McKim, R. A. Lyon, John Cascaden and J. F. Dowling had also been the target of the group's political machinations. Criminal charges of "conspiring to corrupt" were laid against the alleged bribers who were ultimately acquitted of the charge due to legal technicalities.<sup>9</sup>



It was also during this turbulent session that Balfour brought forward bills concerning Delos R. Davis. On 12 February 1884, he introduced *An Act to authorize the Supreme Court of Judicature for Ontario to admit Delos Roger Davis to practise as a Solicitor*.<sup>10</sup> While it was common during this time for the House to enact legislation allowing individuals trained outside of the province to practice law in Ontario, Davis' case presented a new and important aspect to the matter. As a black man, Davis had been denied admission to the Bar since he could not find a legal firm in Victorian Toronto that would accept him as an articling student. As such experience was a prerequisite of the Law Society for being admitted as a solicitor, it was necessary for Davis to acquire legislation enabling him to practice in Ontario. Balfour, consistently a champion of minority rights, took up Davis' case and pushed his legislation through the House. The proposed bill was passed and Delos R. Davis was admitted to the Bar in 1884, becoming the first black lawyer in Ontario.<sup>11</sup>

Balfour was returned to the Assembly in 1886 and in 1890, both times by substantial majorities.<sup>12</sup> As was his custom, the member for Essex South avidly participated in the affairs of the House and served on several committees including those concerned with private bills, railways, and public accounts.<sup>13</sup> During the second session of the seventh parliament, Balfour distinguished himself once more as an advocate of minority rights. This time the case in question concerned the admission practices of the Law Society of Upper Canada.

Early in the 1892 session, it was brought to the attention of the House that Clara Brett Martin had applied to be admitted to law school but had been refused by the Law Society. Seeking support for her cause, Martin approached Balfour, who due to his support of Delos R. Davis, "was becoming widely known as a progressive politician who supported legal struggles against discrimination."<sup>14</sup> Balfour took an interest in her problem and, on 9 March 1892, introduced a bill to provide for the compulsory admission of women in the study of law. The legislation was not warmly received by the House: an unsuccessful attempt to delay consideration of the bill for six months was made and it passed its second reading by only one vote.<sup>15</sup> After undergoing a "drastic transformation" at the hands of the Assembly's Standing Committee on Private Bills, which empowered the Law Society to admit women as solicitors only, the legislation was accepted and passed by the House allowing Martin to begin her drive to become the first female lawyer in Canada.<sup>16</sup>



Balfour's legislative record helped him return to the House in 1894 and, when the Assembly convened on 21 February 1895, he was elected Speaker of the Legislature.<sup>17</sup> While perhaps not as eventful as his previous terms as a private member, Balfour's tenure as Speaker encompassed many important political issues. The debate concerning the Manitoba schools question was the most notable of these. The often emotional discussion concerned the provincial parliament's reaction to the fact that although the Manitoba government had decided to abolish its dual school system, the federal government was initiating action to reinstate the scheme. Even though some members of the Assembly wanted the House to oppose the federal actions, it was ultimately resolved that

by the *British North America Act* the matter of Education (subject to certain provisions therein specified) belongs to the Provincial Legislatures and not to the Dominion Parliament; that the Act of the Manitoba Legislature abolishing Separate Schools has been declared by the Judicial Committee of the Privy Council to be within the authority of the said Legislature and therefore in point of law a valid Act.

. . . .  
That while, probably, the great majority of the people of Ontario do not favour Separate Schools, . . . it will be extremely unfortunate if the remedy of the alleged grievance in Manitoba is to be accomplished by the action of the Dominion Parliament instead of the Manitoba Legislature.<sup>18</sup>

Balfour held the Speakership for little more than a year. On 21 July 1896, he was appointed to the portfolio of Provincial Secretary in Arthur Sturgis Hardy's cabinet. He held this office for only four weeks.<sup>19</sup>

The former Speaker's declining health forced him to forsake politics. In the summer of 1896, the seriousness of his illness was becoming obvious. At the request of his wife, Balfour was moved back to the Speaker's apartment in which he had resided less than a year before. It was there that he died on 19 August 1896 at the age of 45.

## Notes

<sup>1</sup>"William Douglas Balfour," *Dictionary of Canadian Biography*, vol. 12 (Toronto: University of Toronto Press, 1990), p. 52; George M. Rose, ed., "William Douglas Balfour," *A Cyclopedia of Canadian Biography* (Toronto: Rose Publishing Co., 1886), p. 805; and Kathleen Finlay, *Speakers of the Legislative Assembly of Ontario, 1867-1984* (Toronto: Legislative Library, Research and Information Services, 1985), p. 35.

<sup>2</sup>Rose, *Dictionary of Canadian Biography*, p. 805; and *Dictionary of Canadian Biography*, vol. 12, p. 52.

<sup>3</sup>Finlay, *Speakers of the Legislative Assembly*, p. 35; Rose, *Cyclopedia of Canadian Biography*, p. 806; and *Dictionary of Canadian Biography*, vol. 12, p. 3.

<sup>4</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario, 1867-1982: Candidates and Results with Statistics from the Records*, comp. Office of the Chief Election Officer (Toronto: Office of the Chief Election Officer, 1985), p. 18; *Legislators and Legislatures of Ontario*, vol. 2: 1867-1929, comp. Debra Forman (Toronto: Legislative Library, Research and Information Services, 1985), pp. 50-51; and Finlay, *Speakers of the Legislative Assembly*, p. 35.

<sup>5</sup>Charles Clarke, *Sixty Years in Upper Canada with Autobiographical Recollections* (Toronto: William Briggs, 1913), pp. 277-278.

<sup>6</sup>See: Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 17, 1st Session, 5th Parliament (Toronto: Legislative Assembly, 1884), pp. 149-151, 154-156, 156-157, 160, 198, 199 and Appendix II.

<sup>7</sup>Clarke, *Sixty Years in Upper Canada*, p. 279.

<sup>8</sup>Ibid. See also: C. R. W. Biggar, *Sir Oliver Mowat: A Biographical Sketch*, vol. 1 (Toronto: Warwick Brothers and Rutter Ltd., 1905), pp. 364-367; and Finlay, *Speakers of the Legislative Assembly*, p. 36.

<sup>9</sup>See: S. J. R. Noel, *Patrons, Clients, Brokers: Ontario Society and Politics, 1791-1896* (Toronto: University of Toronto Press, 1990), pp. 272-

274; Biggar, *Sir Oliver Mowat*, vol. 1, pp. 366-367; and Clarke, *Sixty Years in Upper Canada*, pp. 280-291.

<sup>10</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 17, 1st Session, 5th Parliament, p. 59.

<sup>11</sup>Davis had a distinguished legal career and was appointed to King's Council on 10 November 1910.

See: Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 17, 1st Session, 5th Parliament, pp. 36, 54, 59, 103, 120, 126, 140, 201; Julius Issac, "Delos Roger Davis, K. C.," *Law Society of Upper Canada Gazette*, vol. 24, No. 4 (December 1990): 293-301; "Delos R. Davis," Law Society of Upper Canada Archives Biographical File, Law Society of Upper Canada Archives, Osgoode Hall.

<sup>12</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario*, p. 19.

<sup>13</sup>See: Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 20, 1st Session, 6th Parliament (Toronto: Legislative Assembly, 1887), p. 17; and idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 24, 1st Session, 7th Parliament (Toronto: Legislative Assembly, 1891), pp. 32, 47, 76, 110, 127.

<sup>14</sup>Constance Backhouse, *Petticoats and Prejudice: Women and the Law in Nineteenth Century Canada* (Toronto: The Osgoode Society, 1991), p. 304.

<sup>15</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 25, 2nd Session, 7th Parliament (Toronto: Legislative Assembly, 1892), pp. 66, 79, 148-149.

<sup>16</sup>*Ibid.*, pp. 72, 148-149, 159, 179, 186, 207; and Theresa Roth, "Clara Brett Martin--Canada's Pioneer Women Lawyer," *Law Society of Upper Canada Gazette*, vol. 18, No. 3 (1984): 330.

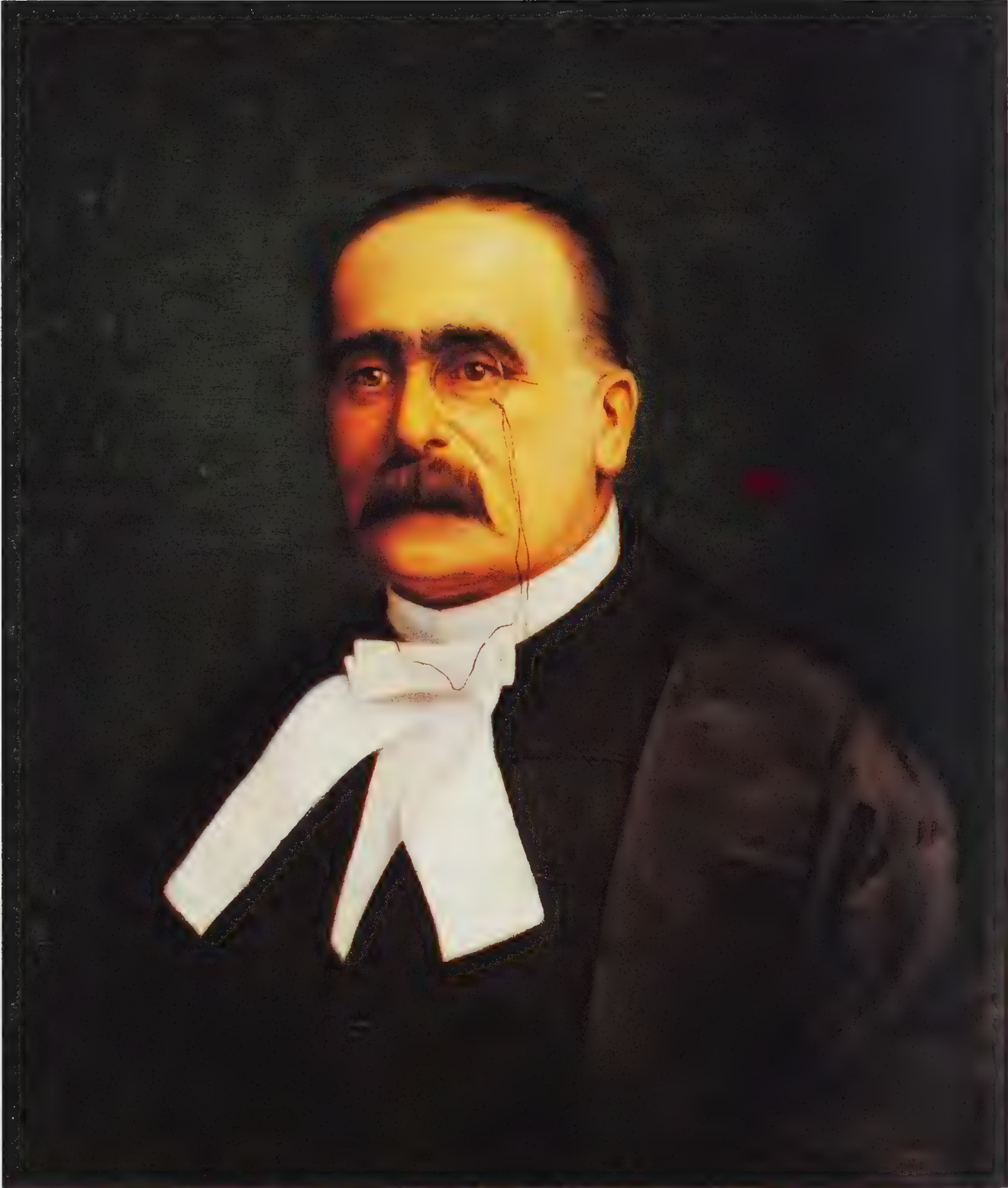
<sup>17</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 28, 1st Session, 8th Parliament (Toronto: Legislative Assembly, 1895), p. 4.



<sup>18</sup>Idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 29, 2nd Session, 8th Parliament (Toronto: Legislative Assembly, 1896), pp. 57-58.

<sup>19</sup>Forman, *Legislators and Legislatures*, vol. 1: 1792-1866, p. xxxi; and Charles W. Humphries, *"Honest Enough to be Bold": The Life and Times of Sir James Pliny Whitney*, Ontario Historical Studies Series (Toronto: University of Toronto Press, 1985), p. 38.

*Francis Eugene Alfred Eanturel*



**Francis Eugene Alfred Eanturel**  
**1897-1902**

*Portrait by Mildred Peel*

## FRANCIS EUGENE ALFRED EVANTUREL

The spectre of Anglo-French conflict has loomed over the political history of both the Dominion of Canada and the province of Ontario. Regional and cultural differences and the prejudices of the members of the Assembly and Ontarians meant that few Franco-Ontarians were elected to the House and an even smaller number were elevated to cabinet positions until early in the twentieth century. This political bias extended to other political offices. For example, although individuals of French Canadian origin had held the Speaker's Chair during the period 1841-1866, it was not until 1897 that the Legislative Assembly of Ontario elected its first Francophone to this position.

Francis Eugene Alfred Evanturel was born in Quebec City, Canada East on 31 August 1849. As the eldest son of the Hon. Francis Evanturel -- Minister of Agriculture in the Sandfield Macdonald-Sicotte administration of 1862 -- Evanturel was introduced to provincial politics at an early age.<sup>1</sup> He received a classical education at the Séminaire de Québec and, upon his graduation, enrolled at Laval University to study law. Evanturel graduated with degrees in arts and law in 1870 and was admitted to the Bar of the Province of Quebec in January 1872.<sup>2</sup>

Shortly after his call to the Bar, Evanturel entered into private practice. In 1873, he was offered a position in the civil service in Ottawa; he remained in the employ of the Dominion government until 1878.<sup>3</sup> During his time in Ottawa, Evanturel pursued social and political matters. He took a prominent role in the founding of the Institut-Canadien and St. Jean Baptiste Society. In addition, he was elected as school trustee for the Ottawa ward of Wellington.<sup>4</sup>

In 1873, Evanturel and his Irish-born wife moved to L'Orignal in Prescott County. It was here that, some 13 years later, he established *L'Interprète*, a newspaper that was published between 1886 and 1892. It was also while living in this area that he gained first-hand knowledge of the difficulties faced by Ontario's Francophone community. Antagonism between Protestants and Catholics in Ontario had rapidly intensified since the early 1870s when the Orange Order, an organization to advance Protestant interests, sought incorporation under a special act of the Assembly. The conflict had largely manifested itself in attacks in the press and in the House against separate and French language schools in Ontario.<sup>5</sup>



It was this very issue that drew Evanturel into provincial politics. After severing his political ties with the Conservatives over their opposition to separate and French language schools, Evanturel joined Oliver Mowat's Liberals. A party incorporating a cross-section of all Ontario's religious and cultural forces, Mowat's Liberals wished to "conciliate the Protestant majority to French and Catholic rights."<sup>6</sup> In 1883, therefore, Evanturel was able to find an ideologically acceptable political platform and ran in the provincial general election as the Liberal candidate for Prescott.<sup>7</sup>

Although unsuccessful in 1883, Evanturel was elected to the provincial Assembly as the member for Prescott three years later.<sup>8</sup> As the representative of a predominantly French-speaking, Catholic constituency, it is not surprising that the member for Prescott often rose in the House to speak in defense of French language and cultural rights. His often eloquent oratorical skills earned him a reputation in the Assembly. This reputation was enhanced by the events of the 1887 Premiers conference at Quebec. Oliver Mowat, as senior provincial Premier, was elected Chairman of the conference; Evanturel, while not as high in the provincial administration as other delegates, was chosen as the conference's honorary secretary.<sup>9</sup>

Evanturel was returned to the Assembly by acclamation in 1890 and by a significant majority in 1894.<sup>10</sup> During the third session of the 8th parliament, Speaker William Douglas Balfour resigned the Chair in order to take a cabinet portfolio. In what was a first for the Ontario Legislature, a Francophone (Evanturel), was elected to replace Balfour on 10 February 1897.<sup>11</sup> While Evanturel's appointment prompted self-congratulatory comments from the members on their display of racial tolerance,<sup>12</sup> the government's choice of Speaker had more to do with political expedience than a demonstration of goodwill. It was federal Liberal leader Wilfrid Laurier who suggested to Premier Hardy that the member for Prescott be given the Speakership. Laurier felt that as a Francophone, a Catholic and the spouse of an Irish Catholic, Evanturel represented diverse political interest groups. Moreover, his election to this position granted the government an opportunity to garner support from the province's Francophone population. Although Hardy initially resented Laurier's suggestion, he acquiesced when reminded that "the selection of Evanturel would in all probability, secure the French vote absolutely."<sup>13</sup>

Evanturel presided over the remaining session of the 8th legislature and, upon his return in 1898,<sup>14</sup> was nominated for a second term in the Chair.<sup>15</sup> In the course of the 10th parliament, the House considered acts on issues

ranging from transportation to prohibition to political intrigue. Acts to provide for the incorporation of the Ontario Historical Society<sup>16</sup> and the Canada Central and Canada Western Railway companies<sup>17</sup> were introduced and subsequently passed by the House. Furthermore, the submission of numerous petitions requesting the passage of some type of liquor control act resulted in the enactment of legislation regarding the sale of "Intoxicating Liquors" in the province.<sup>18</sup> The greater part of the Assembly's 4th session was concerned with the controversy which had surfaced surrounding a by-election for the riding of West Elgin. Charges of bribery were brought forward and a legislative commission formed to deal with the issue.<sup>19</sup>

The member for Prescott was re-elected to the Assembly by a significantly narrower margin in 1902. Evanturel did not resume the Speakership but returned to the Liberal backbenches. On 22 November 1904, he became the first Francophone cabinet minister in Ontario since Confederation when he was appointed to Premier George W. Ross' cabinet as a Minister without Portfolio.<sup>20</sup> Ross' shake-up of the cabinet, however, did little to save his party at the polls. In the provincial general election of 1905, Whitney's Conservatives dealt Ross' Liberals a massive blow, taking 69 seats to the Liberal's 29. Among the casualties was Evanturel. This defeat came not at the hands of the voters but at the hands of the riding's Returning Officer; a tie between Evanturel and his Conservative opponent had forced the Returning Officer to cast a deciding ballot.<sup>21</sup>

Although no longer a member of the Ontario Legislative Assembly, Evanturel did not leave politics. In 1907, he was appointed Second Clerk Assistant to the Senate of Canada, and he took on the additional post of French translator in 1908.<sup>22</sup> Francis Eugene Alfred Evanturel died on 15 November 1909 at Alfred, Ontario, two years before his son Gustave was elected to the provincial Assembly for the riding that his father had represented for almost 20 years.

### Notes

<sup>1</sup>"Francis Eugene Alfred Evanturel," *A Cyclopedia of Canadian Biography*, ed. G. L. Rose (Toronto: Rose Publishing Co., 1888), p. 323.

<sup>2</sup>Ibid.; and Kathleen Finlay, *Speakers of the Legislative Assembly of Ontario, 1867-1984* (Toronto: Legislative Library, Research and Information Services, 1985), p. 38.

<sup>3</sup>Lucien Broult, *Histoire des Comtés Unis de Prescott et de Russell* (L'Orignal, Ont.: Conseil des Comtés Unis, 1965), pp. 43, 61; Rose, *Cyclopedia of Canadian Biography*, p. 323; and Finlay, *Speakers of the Legislative Assembly*, p. 38.

<sup>4</sup>Broult, *Histoire des Comtés Unis de Prescott et de Russell*, p. 61.

<sup>5</sup>See: Ibid., pp. 43-45; and Finlay, *Speakers of the Legislative Assembly*, p. 38.

<sup>6</sup>Janet B. Kerr, "Sir Oliver Mowat and the Campaign of 1894," *Ontario History*, 55 (1963): 4.

<sup>7</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario, 1867-1982: Candidates and Results with Statistics from the Records*, comp. Office of the Chief Election Officer (Toronto: Office of the Chief Election Officer, 1985), p. 151; and Finlay, *Speakers of the Legislative Assembly*, p. 38.

<sup>8</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario*, p. 151.

<sup>9</sup>C. R. W. Biggar, *Sir Oliver Mowat: A Biographical Sketch*, vol. 2 (Toronto: Warwick Brothers & Rutter Ltd., 1905), pp. 506-507; and Broult, *Histoire des Comtés Unis de Prescott et de Russell*, p. 61.

<sup>10</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario*, p. 151.

<sup>11</sup>*Legislators and Legislatures of Ontario*, vol. 2: 1867-1929, comp. Debra Forman (Toronto: Legislative Library, Research and Information Services, 1985), p. 91.

<sup>12</sup>See: *The Globe*, 11 February 1897.

<sup>13</sup>Charles W. Humphries, *"Honest Enough to Be Bold": The Life and Times of Sir James Pliny Whitney*, Ontario Historical Studies Series (Toronto: University of Toronto Press, 1985), pp. 38-39.



<sup>14</sup>Evanturel was returned by acclamation in 1898. See: Province of Ontario, Elections Ontario, *Electoral History of Ontario*, p. 151.

<sup>15</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 32, 1st Session, 9th Parliament (Toronto: Legislative Assembly, 1898), p. 4.

<sup>16</sup>Idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 33, 2nd Session, 9th Parliament (Toronto: Legislative Assembly, 1899), pp. 119, 122, 188, 211, 271, 282, 306.

<sup>17</sup>Idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 36, 5th Session, 9th Parliament (Toronto: L. K. Cameron, 1902), pp. 92, 102, 105, 135, 161, 162, 170, 184, 191, 197, 203, 217, 240, 248, 278.

<sup>18</sup>Ibid., pp. 11, 17, 19, 23, 25, 30, 37, 40, 44, 49, 52, 58, 62, 63, 67, 70, 75, 82, 87, 91, 96, 101, 109, 119, 124, 130, 135, 141, 149, 181, 197, 201, 205, 209-212, 221, 239, 268.

<sup>19</sup>See: Idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 35, 4th Session, 9th Parliament (Toronto: L. K. Cameron, 1901), pp. 21, 31, 32, 35, 36, 39, 41-43, 141, 224 and Sessional Papers Nos. 46 and 77.

<sup>20</sup>Randall White, *Ontario 1610-1985: A Political and Economic History*, Ontario Heritage Foundation Local History Series No. 1 (Toronto: Dundurn Press, 1985), p. 179; Humphries, *"Honest Enough to be Bold": The Life and Times of Sir James Pliny Whitney*, pp. 91-92; and Forman, *Legislators and Legislatures of Ontario*, vol. 1: 1792-1866, p. xxxi.

<sup>21</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario*, p. 151; Humphries, *"Honest Enough to be Bold": The Life and Times of Sir James Pliny Whitney*, p. 94; and Finlay, *Speakers of the Legislative Assembly*, p. 40.

<sup>22</sup>Finlay, *Speakers of the Legislative Assembly*, p. 40.

*William Andrew Charlton*



**William Andrew Charlton**  
**1903-1904**

*Portrait by Anna Rockwell Compton*

## **WILLIAM ANDREW CHARLTON**

The early years of William Andrew Charlton, 10th Speaker of the Legislative Assembly of Ontario, were often spent moving from homestead to homestead. Born 29 May 1841 in Cattaraugus County, New York, Charlton was the youngest child of Adam Charlton and Ann Gray. Several years after Gray's death in 1844, William's father moved his young family from New York to Waterloo County, Canada West. The Charltons stayed in Waterloo County for only six years and, in 1855, returned to the United States and settled in Iowa. While this frequent relocation might have denied the youngest Charlton a proper education, his father made certain that his son received schooling in both Canadian and American schools. A good student, Charlton's original career path had little to do with politics: he wanted to study medicine and only abandoned this pursuit when faced with financial difficulties.<sup>1</sup>

In 1861, at the age of 20, Charlton returned to Canada West and settled at Lynedoch in Norfolk County. His elder brother, John came to Lynedoch in 1853 and began a successful mercantile and lumbering operation. It was for this reason that William Charlton returned to Canada: upon his arrival, he joined his brother in business. Located in an area of dense pine and oak forests, the Charlton brothers' firm prospered for over 30 years and allowed the two to become prominent members of the economic community of Lynedoch.<sup>2</sup>

Public service was not foreign to the Charlton family. William's brother John had been elected to the House of Commons in Ottawa in 1872 as the member for Norfolk North and held this seat for 32 years.<sup>3</sup> Like his brother, William also entered a career in public service, although at the provincial rather than the federal level. His first attempt to enter provincial politics was unsuccessful. In 1886 he ran as the Liberal candidate in the riding of Norfolk South and was defeated by William Morgan, the Conservative incumbent.<sup>4</sup>

In the general election of 1890 William Charlton defeated the Conservative candidate and took the seat with just over half the vote.<sup>5</sup> Charlton's victory did not last long. Shortly after the results were known, his Conservative opponent filed a petition contesting the returns: on 29 December 1890 Charlton's election was declared void, and a by-election was called for the following month. The voters of Norfolk South stood by their initial decision, however, and on 11 February 1891 the House was informed that William



Charlton had been returned as the member for Norfolk South.<sup>6</sup> With the confirmation of his election, Charlton turned to the business of the House. During his first term in the Assembly, he served on the Select Committee on Natural Gas.<sup>7</sup> Charlton's electoral experiences were never again as difficult as they had been in 1890, for in the subsequent general elections, he was returned to the Assembly easily.

The 10th Legislative Assembly of Ontario met for the first time on 10 March 1903. On the same day, William Andrew Charlton was nominated for the Speakership by Premier Ross and elected to the Chair.<sup>8</sup> Even though Charlton's term as Speaker spanned only two rather than the usual four sessions, he presided over a House that dealt with several different issues. For example, several bills were introduced which provided either for the incorporation of a number of different railway companies -- including the Central Trunk Railway -- or for the furnishing of aid to established transportation companies.<sup>9</sup> During the second session, the Assembly focused its attention on the exportation of natural gas to the United States. On 16 March 1904, it was resolved that the House should petition the federal government

to prohibit the exportation of natural gas from Ontario into the United States of America, or failing that, to place an equitable export duty upon all natural gas exported.<sup>10</sup>

The resolution further outlined the steps that could be used to bring about this event: the House recommended that the federal government could enforce such a ban either by cancelling operating licences for pipeline owners or by "forcibly disconnecting transmission pipes across [the] Niagara River."<sup>11</sup>

The most interesting and important incident of Charlton's tenure as Speaker had its roots not in the daily business of the House but rather in events which occurred before the 10th Parliament convened in March. The general election of May 1902 had produced an Assembly in which the Liberals held a mere 4-seat majority to their Conservative opposition. By the end of July 1902, however, this majority had been reduced to a single seat. The appointment of a Speaker, a death and a judicial overturning of the Liberal victory had diminished what had been a slim but secure majority for the ruling Liberals.<sup>12</sup> By December 1902, judicial rulings had left four seats -

- one Conservative and three Liberal -- without members, and this situation demanded by-elections early in January 1903. These by-elections were a boon for the governing party: three seats, including two that had previously been held by the Conservatives, fell to Ross's Liberals.<sup>13</sup>

Prior to the opening of Parliament, Robert Gamey, an insurance agent and the freshman Conservative member for Manitoulin Island, announced that he would be throwing his support behind Ross' party. The ire of the Conservative party was somewhat abated, however, when on 11 March 1903, Gamey rose in the House to announce that he had been approached in August 1902 with the proposition of supporting Ross' Liberals in return for financial and patronage considerations. He claimed that he had received his first instalment -- a sum of \$1,500 -- on 10 September 1902. To complicate matters further, Gamey noted that he had received the money in the outer office of Provincial Secretary James R. Stratton. Gamey concluded his hour long speech with the revelation that after he had accepted the money, Stratton had himself dictated Gamey's statement of political intent that had been released both to his party and to the *Globe* on 30 January 1903.<sup>14</sup>

An investigation into what has come to be known as "The Gamey Affair" by a royal commission of two judges was called immediately by Premier Ross.<sup>15</sup> Not surprisingly, the House spent many hours debating the particulars of the debacle and attempting to clarify this complex political problem. The people involved, their relationship to the government, and even the nature of the investigative commission itself came under the close scrutiny of the members. By the end of the parliament's first session, as the incident seemed to be drawing to its end, Speaker Charlton ruled in favour of a motion that the House recommend to the Lieutenant Governor a reward of \$10,000 "for information leading to the discovery of the source from which R. R. Gamey . . . received \$1,500." To further entice possible informants, immunity from prosecution was also offered.<sup>16</sup>

To lessen the damage caused by the Gamey Affair, Premier Ross shuffled his Cabinet just before the general election of 1905. Charlton was removed from the Chair and given the portfolio of Commissioner of Public Works on 22 November 1904.<sup>17</sup> Despite this manoeuvring, the Gamey Affair indelibly marked the fortunes of the Liberal Party, including that of the former member for Norfolk South. Charlton was not returned to the House in 1905.<sup>18</sup> He did not return to the political arena until 1911 when he was elected to the House of Commons in Ottawa as the Member for Norfolk. In 1921, the lumber baron and former Speaker of the Legislative Assembly of



Ontario was made a Privy Councillor. After this appointment Charlton withdrew from political life to devote his time to philanthropic pursuits. He died on 9 November 1930.

### Notes

<sup>1</sup>Kathleen Finlay, *Speakers of the Legislative Assembly of Ontario, 1867-1984* (Toronto: Legislative Library, Research and Information Services, 1985), p. 41.

<sup>2</sup>Tweedsmuir, *History of Delhi, 1812-1970*, p. 188; and Finlay, *Speakers of the Legislative Assembly*, p. 41.

<sup>3</sup>*The Directory of Canadian Parliament, 1867-1967*, ed. J. K. Johnson (Ottawa: Public Archives of Canada, 1968), p. 113; and Delaware Womens' Institute, *History of Delhi, 1812-1970* (Simcoe, Ont.: The Womens' Institution, 1970), p. 13.

<sup>4</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario: Candidates and Results with Statistics from the Records, 1867-1982*, comp. by the Office of the Chief Election Officer (Toronto: Office of the Chief Election Officer, 1985), p. 82; and *Legislators and Legislatures of Ontario*, vol. 2: 1867-1929 (Toronto: Legislative Library, Research and Information Services, 1985), p. 71.

<sup>5</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario*, p. 82.

<sup>6</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 24, 1st Session, 7th Parliament (Toronto: Legislative Assembly, 1891), p. 5; and Forman, *Legislators and Legislatures of Ontario*, vol. 2: 1867-1929, p. 80.

<sup>7</sup>Finlay, *Speakers of the Legislative Assembly*, p. 41.

<sup>8</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, 10th Parliament, 1st Session (Toronto: L. K. Cameron, 1893), p. 6.



<sup>9</sup>See: Ibid., pp. 79, 131, 138, 142, 151, 162, 164, 180, 182, 189, 201, 224, 228, 234, 237; and idem, *Journals of the Legislative Assembly of the Province of Ontario*, 10th Parliament, 2nd Session (Toronto: L. K. Cameron, 1904), pp. 133, 253, 260, 262, 263, 267, 271-273, 279, 280, 282-283, 284-290, 291-294.

<sup>10</sup>Idem, *Journals of the Legislative Assembly of the Province of Ontario*, 10th Parliament, 2nd Session, p. 174.

<sup>11</sup>Ibid.

<sup>12</sup>Charles W. Humphries, "The Gamey Affair," *Ontario History*, 59 (1967): 101-102; and Finlay, *Speakers of the Legislative Assembly*, pp. 41-42.

<sup>13</sup>Humphries, "The Gamey Affair," pp. 102-103.

<sup>14</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, 1st Parliament, 1st Session, pp. 53-54; and idem, *Report of the Royal Commission "re" Gamey Charges* (Toronto: L. K. Cameron, 1903), pp. 77-80, 124-131, 176-181, as quoted in Humphries, "The Gamey Affair," p. 104.

<sup>15</sup>Humphries notes that Ross "dismissed the idea of using the legislative committee on privileges and elections, or a special committee of the assembly [to investigate the matter], on the grounds that a report from either would be labelled a partisan document because each would have contained a majority of government supporters."

See: "The Gamey Affair," p. 105. See also: Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, 10th Parliament, 1st Session, pp. 53-58.

<sup>16</sup>See: Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, 10th Parliament, 1st Session, pp. 53-54, 57, 58, 60, 61, 62, 63-67, 69, 70, 74-76, 77-79, 274, 330-333.

<sup>17</sup>Forman, *Legislators and Legislatures*, vol. 1: 1792-1866, p. xxxi; and Charles W. Humphries, *"Honest Enough to be Bold": The Life and Times of Sir James Pliny Whitney*, Ontario Historical Studies Series (Toronto and Buffalo: University of Toronto Press, 1985), p. 91.

<sup>18</sup>Humphries, *"Honest Enough to be Bold,"* p. 94; and Province of Ontario, Elections Ontario, *Electoral History of Ontario*, p. 82.

*Joseph Wesley St. John*



**Joseph Wesley St. John**  
**1905-1907**  
*Portrait by J.W.L. Forster*



## JOSEPH WESLEY ST. JOHN

Joseph Wesley St. John was born near Sunderland, Ontario on 17 July 1854. He was educated in the local schools of Brock Township and completed his studies at Victoria University, one of the founding colleges at the University of Toronto. During his undergraduate years St. John pursued both academic and athletic enterprises. While tales of his athletic prowess often enlivened the pages of the student newspaper, *Acta Victoriana*, his academic excellence was also evident. In 1881, he graduated with a baccalaureate and the Wilson Memorial Prize in Astronomy.<sup>1</sup>

Like many men of his day, St. John chose to study law and in 1881 articulated with the firm of Blake, Lash and Cassels. In 1884 he entered into practice as a solicitor with Cameron, Caswell and St. John in Toronto. On 21 September 1894, he applied to the Convocation of Osgoode Hall, the governing body of the legal profession in Ontario, to be called to the Bar as a barrister. His petition was granted even though he failed to give convocation proper notice of his intention to be called.<sup>2</sup>

St. John first entered into provincial politics in 1894 when he successfully ran in that year's general election. When the polling had been completed on 26 June 1894, St. John had captured the riding of York West with a mere 50.6% of the votes cast in the riding.<sup>3</sup> While small, St. John's margin of victory reflected the political reality of Ontario in the early twentieth century. At this time, the political tide did not generally favour Conservatives and "an ideological commitment to the Conservative party [frequently] exiled the faithful to a life on the opposition benches."<sup>4</sup>

Despite his involvement in the daily activities of the House, St. John was not re-elected in 1889. In 1902, however, his fortunes changed and he was once more returned to the Assembly as the member for York West.<sup>5</sup> The opening of the 10th parliament on 10 March 1903 brought to light the political scandal that has come to be known as "The Gamey Affair." A complicated mix of misplaced political allegiance, bribery and influence peddling, the case centred on charges made in the Assembly on 11 March 1903 by Robert Gamey, the member for Manitoulin against James R. Stratton then Provincial Secretary.<sup>6</sup> The ensuing debate dominated most of the session and St. John became the vocal critic of the Liberal government and its handling of the situation.

St. John's opposition role in the Gamey Affair strengthened his standing with the voters, and he was returned to the House in 1905. When the Assembly convened in Toronto he received more tangible recognition for his distinguished service. On 22 March 1905, Joseph Wesley St. John was nominated for the office of Speaker by Premier Whitney who described him as "a man greatly beloved and respected, who would worthily maintain the privileges of the members of the House."<sup>7</sup> He was unanimously accorded the honour by his fellow members and thus became the first Conservative to hold the office of Speaker since Confederation.<sup>8</sup>

In the course of St. John's term in the Chair, the House focused its attention on matters which reflected the changing social nature of the province. For example, the introduction of the automobile into everyday life at the beginning of the twentieth century necessitated a reconsideration of the province's transportation laws. To this end, legislation was introduced early in the initial session "to regulate the speed and operation of motor vehicles." This initial regulatory act was debated without incident and passed by the members.<sup>9</sup> In addition, the House considered many petitions such as official designation of a day's holiday during the week for wage-earners<sup>10</sup> and the placing of individuals in provincial public service on a non-partisan basis.<sup>11</sup>

Although the question of provincial franchise for women would not be resolved until 1915,<sup>12</sup> the issue was raised in the House during St. John's Speakership. On several occasions during the parliament's first session, petitions requesting that married women who were property owners be allowed to vote in provincial elections were brought before the House.<sup>13</sup> Despite the large number of petitions, the House did not turn its attention to this issue until the second session. On 28 February 1906, legislation which would have provided for the extension of the vote to both married and unmarried women who owned property was brought before the House. The scene which followed was to be repeated in future sessions of the Assembly: on second reading the bill was overwhelmingly voted down and consequently withdrawn.<sup>14</sup>

Late in the parliament's third session, it became apparent that Speaker St. John was in poor health. On two occasions in April, he was unable to attend meetings of the House and, as a result, Thomas Crawford was elected as interim Speaker.<sup>15</sup> It is unlikely, however, that the members were fully aware of the severity of St. John's illness.

On 7 April 1907, Joseph Wesley St. John died. He was the only Speaker to die while still in office. His passing was announced in the House on 8 April, and the members praised St. John in their eulogies for his competence and fairness, saying that it was only after he took the Chair that the Legislature truly understood St. John's "big heart and . . . kindly nature."<sup>16</sup>

## Notes

<sup>1</sup>Kathleen Finlay, *Speakers of the Legislative Assembly of Ontario, 1867-1984* (Toronto: Legislative Library, Research and Information Services, 1985), p. 55.

<sup>2</sup>See: Minutes of Convocation, Law Society of Canada, vol. 11, p. 428, Law Society of Upper Canada Archives.

<sup>3</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario: Candidates and Results with Statistics from the Records, 1867-1982*, comp. Office of the Chief Election Officer (Toronto: Office of the Chief Election Officer, 1985), p. 483; and *Legislators and Legislatures*, vol. 2: 1867-1929, comp. Debra Forman (Toronto: Legislative Library, Research and Information Services, 1985), p. 93.

<sup>4</sup>Finlay, *Speakers of the Legislative Assembly*, p. 55.

<sup>5</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario*, p. 483; and Forman, *Legislators and Legislatures*, vol. 2: 1867-1929, p. 112.

<sup>6</sup>For a detailed discussion of the incident, see: Charles W. Humphries, "The Gamey Affair," *Ontario History* 59 (1967): 101-109; and Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario* (Toronto: L. K. Cameron, 1903), pp. 53-54, 57, 58, 60, 61, 62, 63-67, 69, 70, 74-76, 77-79, 274, 330-333.

<sup>7</sup>*Toronto Globe*, 22 March 1905.

<sup>8</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 39, 1st Session, 11th Parliament (Toronto: L. K. Cameron, 1905), pp. 4-5.



<sup>9</sup>Ibid., pp. 23, 40, 91, 104, 109, 123, 140, 202, 212, 230.

<sup>10</sup>Idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 40, 2nd Session, 11th Parliament (Toronto: L. K. Cameron, 1906), p. 188.

<sup>11</sup>Idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 41, 3rd Session, 11th Parliament (Toronto: L. K. Cameron, 1907), pp. 210, 255, 268.

<sup>12</sup>For a more detailed discussion of the question of women and the vote in Ontario, see: Catherine L. Cleverdon, *The Start of Liberation: The Woman Suffrage Movement in Canada* (Toronto: University of Toronto Press, 1950; reprint, 1974), pp. 19-45.

<sup>13</sup>See: Province of Ontario, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 39, 1st Session, 11th Parliament, pp. 55, 73, 78, 90, 109, 116, 121, 135, 157.

<sup>14</sup>Idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 40, 2nd Session, 11th Parliament, pp. 58, 202, 252-253; and idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 41, 3rd Session, 11th Parliament, pp. 166, 298.

<sup>15</sup>Idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 41, 3rd Session, 11th Parliament, pp. 239, 244, 249.

<sup>16</sup>See: Ibid., pp. 271-272; and *Toronto Globe*, 8 April 1907.

*Thomas Crawford*



**Thomas Crawford**  
**1907-1911**

*Portrait by J.W.L. Forster*

## THOMAS CRAWFORD

Thomas Crawford was born in County Fermanagh, Ireland, in 1847.<sup>1</sup> Eighteen years later, he emigrated with his family to Canada and settled in the burgeoning city of Toronto. Shortly after his arrival, he found employment in the workshops of the Northern Railway Company. His foray into this profession did not last long, however, and, in 1868, he began a business partnership with his father, a cattle merchant. Crawford and his father were among the first merchants to recognize the importance and potential of the western cattle market and to do business here. Over the years, the future Speaker became a recognized leader in the trade and ultimately formed his own company. T. Crawford and Company, as it was called, was a major exporter of cattle to the United States and Britain.<sup>2</sup>

Like many of his contemporaries, Crawford combined a successful career as an entrepreneur with an interest in civic affairs. From 1892 until 1894, he sat as an Alderman for Ward 5 on Toronto's City Council.<sup>3</sup> His reputation for fairness and compassion earned him the nick-name "honest Tom" during his days on City Council and he was frequently touted as a possible candidate for the mayoralty. This seemingly inevitable progression from Alderman to Mayor did not occur, however, and Crawford turned his attention to attaining a seat in the provincial Assembly.<sup>4</sup>

In the provincial general election of 1894, Crawford ran as the Conservative candidate for the constituency of Toronto West. "Honest Tom" easily won the riding, gaining more than 60 per cent of the votes cast.<sup>5</sup> When the province's 8th Parliament convened on 21 February 1895, Crawford was sworn in as the member for Toronto West and began a legislative career that would span three decades.

The concern and participation by which he had made his name in civic politics also manifested itself in Crawford's freshman term in the Assembly. Indeed, the *Journals* for this period show that he accomplished more in these initial sessions than some members do in their entire careers. He served, for example, on the Assembly's Standing Committees on Municipal Law, Private Bills, and Public Accounts.<sup>6</sup> On several occasions he aided his former colleagues by presenting petitions to the House on behalf of Toronto's City Council and the Hospital for Sick Children.<sup>7</sup> Moreover, although he had a reputation for fairness and compassion, Crawford did not display either of these virtues when he came to prominence in the House during the debate over the Manitoba schools issue. In a test of provincial rights, Manitoba had



demolished its dual school system, effectively dismantling the province's separate schools. In response to this action, the federal government proposed to reinstate the separate schools through what became known as the "Remedial Bill." The question of support for the federal government's proposal split the Conservative party at both the federal and provincial levels.

During the 1896 session, the Legislative Assembly of Ontario addressed the Manitoba schools question. As an Orangeman, Crawford did not support a policy of separate schools and opposed the federal government's plan. On 4 March 1896 he rose and moved that the Assembly adopt a motion opposing the Remedial Bill.<sup>8</sup> While asserting that he did not want to offend anyone's religious feelings, he stated that to support the bill would be tantamount to favouring federal over provincial rights.<sup>9</sup> Ultimately, Crawford's motion was defeated and a somewhat cautious resolution was passed which, while recognizing education as a provincial matter, suggested that Manitoba, not the federal government, should rectify the situation.<sup>10</sup> Crawford, however, was not unique among members of the political establishment of the period. Although he was perhaps the most vocal of the separate school opponents, he did, in fact, voice the sentiments of some members of the Legislature, and of a percentage of the population at large.

Crawford was returned to the Assembly in 1898, 1902 and 1905. In this final instance, he received more than 70 per cent of the votes cast in the riding of Toronto West -- the largest majority of any candidate in the province.<sup>11</sup> Due to this showing, the long-serving member was mentioned frequently as a potential ministerial candidate for the new Conservative cabinet. However, Crawford was not destined to become a part of the province's executive. During the third session of the 11th parliament his career took an unexpected turn. On 8 April 1907, the death of Speaker John Wesley St. John was announced to the members. In the election that followed, Crawford became the twelfth individual to preside over the Chamber.<sup>12</sup>

Crawford was returned to the Assembly in 1911, this time for the new riding of Toronto West - A. He was once again elected to the Chair.<sup>13</sup> A myriad of subjects merited the attention of the House during his tenure as Speaker. For example, legislation to enfranchise women<sup>14</sup> and legislation "to provide for compensation for injuries to employees" were given due but somewhat cursory consideration.<sup>15</sup> Both of the proposed bills met with opposition and did not pass second reading.<sup>16</sup> The legislation which did receive royal assent reflected the government's concern with such issues as electoral

fraud,<sup>17</sup> the regulation of private investigators,<sup>18</sup> and the provision of wages for people involved in the construction of public works.<sup>19</sup>

Crawford was re-elected in the four subsequent provincial general elections.<sup>20</sup> He returned to the Conservative backbenches and vigorously renewed his career as a private member. In the course of his remaining years in the House, Crawford served both the interests of his constituents as well as those of the Assembly itself as a member of the committees on Standing Orders, Private Bills, and Railways.<sup>21</sup> Moreover, during the last session of the 15th parliament, Crawford served as Speaker *pro tempore* when illness kept Speaker Nelson Parliament from attending the House.<sup>22</sup>

On 16 July 1923, Crawford was made a Minister without Portfolio in George Howard Ferguson's cabinet. He held this appointment until 15 May 1924 when he resigned his seat in the Assembly to accept the position of Registrar of Deeds for the City of Toronto.<sup>23</sup> Thomas Crawford died on 9 February 1932 at the age of 84.

### Notes

<sup>1</sup>Although several primary and secondary sources were consulted, none gave a specific date of birth for Crawford.

<sup>2</sup>Kathleen Finlay, *Speakers of the Legislative Assembly of Ontario, 1867-1984* (Toronto: Legislative Library, Research and Information Services, 1985), p. 58.

<sup>3</sup>Ibid.; and "Thomas Crawford," Biographical Files, City of Toronto Archives, City Hall.

<sup>4</sup>Finlay, *Speakers of the Legislative Assembly*, p. 58.

<sup>5</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario, 1867-1982: Candidates and Results with Statistics from the Records*, comp. Office of the Chief Election Officer (Toronto: Office of the Chief Election Officer, 1985), p. 105; and *Legislators and Legislatures of Ontario*, vol. 2: 1867-1929, comp. Debra Forman (Toronto: Legislative Library, Research and Information Services, 1985), p. 91.

<sup>6</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 28, 1st Session, 8th Parliament (Toronto: Legislative Assembly, 1895), pp. 23-24.

<sup>7</sup>Ibid., p. 25; and idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 29, 2nd Session, 8th Legislature (Toronto: Legislative Assembly, 1896), pp. 24-25.

<sup>8</sup>Idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 29, 2nd Session, 8th Parliament, p. 54.

<sup>9</sup>See: Charles W. Humphries, *"Honest Enough to Be Bold": The Life and Times of Sir James Pliny Whitney*, Ontario Historical Studies Series (Toronto: University of Toronto Press, 1985), pp. 34-35, 47-48; Peter Oliver, *G. Howard Ferguson: Ontario Tory*, Ontario Historical Studies Series (Toronto: University of Toronto Press, 1977), pp. 49, 102; and Cecil Houston and William J. Smyth, *The Sash Canada Wore: A Historical Geography of the Orange Order in Canada* (Toronto: University of Toronto Press, 1980), pp. 157-159.

<sup>10</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 29, 2nd Session, 8th Parliament, p. 57.

<sup>11</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario*, p. 105; and Finlay, *Speakers of the Legislative Assembly*, p. 58.

<sup>12</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 41, 3rd Session, 11th Parliament (Toronto: L. K. Cameron, 1907), pp. 271-272.

<sup>13</sup>Idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 43, 1st Session, 12th Parliament (Toronto: L. K. Cameron, 1909), p. 5; and Forman, *Legislators and Legislatures of Ontario*, vol. 2: 1867-1929, p. 141.

<sup>14</sup>Idem, *Journals of the Legislative Assembly of the Province of Ontario*, 1st Session, 12th Parliament (Toronto: L. K. Cameron, 1909), pp. 180, 318; and idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 45, 3rd Session, 12th Parliament (Toronto: L. K. Cameron, 1911), pp. 97, 250.



<sup>15</sup>Idem, *Journals of the Legislative Assembly of the Province of Ontario*, 1st Session, 12th Parliament, pp. 174, 318.

<sup>16</sup>The question of votes for women and the establishment of a Workmens' Compensation Board would be finally decided four years later.

<sup>17</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, 1st Session, 12th Parliament, pp. 17, 22, 42, 166, 291, 327.

<sup>18</sup>Ibid., pp. 249, 260, 268, 271, 327.

<sup>19</sup>Idem, *Journals of the Legislative Assembly of the Province of Ontario*, 2nd Session, 12th Parliament, pp. 46, 54, 68, 165, 170.

<sup>20</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario*, pp. 105-106; and Forman, *Legislators and Legislatures of Ontario*, vol. 2: 1867-1929, pp. 154, 176, 191, 201.

<sup>21</sup>See: Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 58, 1st Session, 16th Parliament (Toronto: Clarkson W. James, 1924), p. 43; and Finlay, *Speakers of the Legislative Assembly*, p. 60.

<sup>22</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 57, 4th Session, 15th Parliament (Toronto: Clarkson W. James, 1923), pp. 48-49.

<sup>23</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario*, p. 106; Oliver, *G. Howard Ferguson: Ontario Tory*, p. 147; Forman, *Legislators and Legislatures of Ontario*, vol. 1: 1792-1866, p. xxxv.

*William Henry Hoyle*



**William Henry Hoyle**  
**1912-1914**  
*Portrait by J.W.L. Forster*

## **WILLIAM HENRY HOYLE**

William Henry Hoyle was born in the port town of Barnstaple, Devonshire, England on 28 August 1842. He attended a local school -- St. Peter's and St. Paul's Institute -- and, upon graduation, emigrated to Canada. The future Speaker settled in the village of Cannington and soon involved himself in the community. He established a successful business as a cabinet maker, upholsterer and manufacturer of undertakers' furnishings. Hoyle continued in these careers for over 35 years.

Hoyle was interested in both the economic and political life of Cannington. His first political experience was as school trustee and secretary treasurer of the Cannington School Board. In 1895, he was elected reeve of Cannington; Hoyle held this office for two terms.<sup>1</sup> The Cannington businessman also took an interest in the spiritual and intellectual aspects of his community. For example, in 1871 he helped to found the All Saint's Anglican Church and devoted a great deal of his time to its Sunday school. Furthermore, Hoyle was an active member of one of the region's fraternal associations. The future Speaker of the House could lay claim to being a charter member of the Peaceful Dove Lodge of the International Order of Oddfellows. The Oddfellows were a fraternal order dedicated to philanthropic work. In 1894, the year of the organization's 75th anniversary, Hoyle was elected Grand Master.<sup>2</sup>

Hoyle's interest in the greater political community ultimately manifested itself in his decision to run as the Conservative candidate for the riding of Ontario North in the 1898 provincial general election. He defeated Liberal incumbent Thomas Chapple and on 3 August 1898 was sworn in as the member for Ontario North.<sup>3</sup> Hoyle held this seat until his death in 1918.

The Legislative *Journals* for the province's 10th parliament show that while Hoyle did not make his views frequently known on the floor of the House, he was involved in several of the Assembly's committees. Upon his return to the House in 1902 and 1905, he not only served on several of the Assembly's Standing Committees -- including those concerned with Private Bills and the Standing Orders of the House -- but also actively participated in the debate on the Gamey Affair.<sup>4</sup> In addition, the member for Ontario North voted against the 1902 referendum on the prohibition of alcohol on the grounds that it "violated every principle of the British constitution."<sup>5</sup>



Hoyle had no difficulty in being re-elected in 1908 and 1911; in both instances, he was once more returned to the Legislature by a comfortable majority.<sup>6</sup> Whitney's Conservatives emerged from the latter provincial election with an overwhelming mandate: when the Assembly convened in Toronto on 7 February 1912, the Conservatives held a nearly four-to-one majority over the Liberals.<sup>7</sup> On the same day, Hoyle, whom Premier Whitney called "a man who had written his name in large letters on the statute books of the province," was elected to the Speakership.<sup>8</sup>

The Assembly considered several pieces of legislation during Hoyle's term in the Chair. The issue most frequently debated was that of the boundary between Manitoba and Ontario. By the end of the first session, the Assembly had passed to a bill which expressed "the consent of the Legislative Assembly of Ontario to an extension of the Limits of the Province."<sup>9</sup> Other matters also gained the attention of the House during this time. Legislation which sought to prohibit political contributions from corporations was introduced for debate but did not meet with the approval of the members. A bill requiring the publication of contributions for political purposes met with a similar fate.<sup>10</sup> It was also during Hoyle's term in the Chair that legislation was passed which provided for the establishment of the Royal Ontario Museum<sup>11</sup> and the creation of the Workmens' Compensation Board.<sup>12</sup>

Perhaps the most significant event of Hoyle's Speakership was initiated by the Premier himself. The sessions over which Hoyle presided were all marked by the need for constant arbitration of the frequent and biting exchanges between Premier Whitney and the leader of the Liberal opposition. Although Whitney was well aware that it was the duty of the Speaker to act as "referee" when necessary, it became evident that Premier Whitney grew weary of Hoyle's interventions. On one occasion, after a particularly difficult episode, Whitney openly chastised the Speaker by suggesting that he would better maintain the high dignity of the Chair if he paid less attention to the opposition's questions.<sup>13</sup>

Hoyle was returned to the Assembly in 1914 but was not re-elected to the Speakership. It was to be his last term in office. William Henry Hoyle died on 27 October 1918.

## Notes

<sup>1</sup>Kathleen Finlay, *The Speakers of the Legislative Assembly of Ontario, 1867-1984* (Toronto: Legislative Library, Research and Information Services, 1985), p. 61.

<sup>2</sup>Ibid.; and J. Powley, *History of Odd Fellowship* (Toronto: Grand Lodge of Ontario, International Order of Oddfellows, 1943), pp. 86-87, 97; and *75th Anniversary Souvenir Programme*, International Order of Oddfellows Papers, Archives of Ontario.

<sup>3</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario, 1867-1982: Candidates and Results with Statistics from the Records*, comp. Office of the Chief Election Officer (Toronto: Office of the Chief Election Officer, 1985), p. 233; and *Legislators and Legislatures of Ontario*, vol. 2: 1867-1929, comp. Debra Forman (Toronto: Legislative Library, Research and Information Services, 1985), p. 101.

<sup>4</sup>See: Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 37, 1st Session, 10th Parliament (Toronto: L. K. Cameron, 1903), pp. 53-54, 57, 58, 60, 61, 62, 63-67, 69, 70, 74-76, 77-79, 274, 330-333; and idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 39, 1st Session, 11th Parliament (Toronto: L. K. Cameron, 1905), pp. 27, 28, 29, 31, 43, 49, 55.

<sup>5</sup>*Toronto Globe*, 25 November 1904.

<sup>6</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario*, p. 233.

<sup>7</sup>Finlay, *Speakers of the Legislative Assembly of Ontario*, p. 62.

<sup>8</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 46, 1st Session, 13th Parliament (Toronto: L. K. Cameron, 1912), p. 4; and Forman, *Legislators and Legislatures of Ontario*, vol. 2: 1867-1929, p. 154.

<sup>9</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 46, 1st Session, 13th Parliament,

pp. 21, 68, 95-98, 116-117, 121, 122, 123, 237, 277, 295, 311-314, 315, 365.

<sup>10</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, 2nd Session, 13th Legislature (Toronto: L. K. Cameron, 1913), pp. 175, 295; and idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 48, 3rd Session, 13th Parliament (Toronto: L. K. Cameron, 1914), pp. 55, 156.

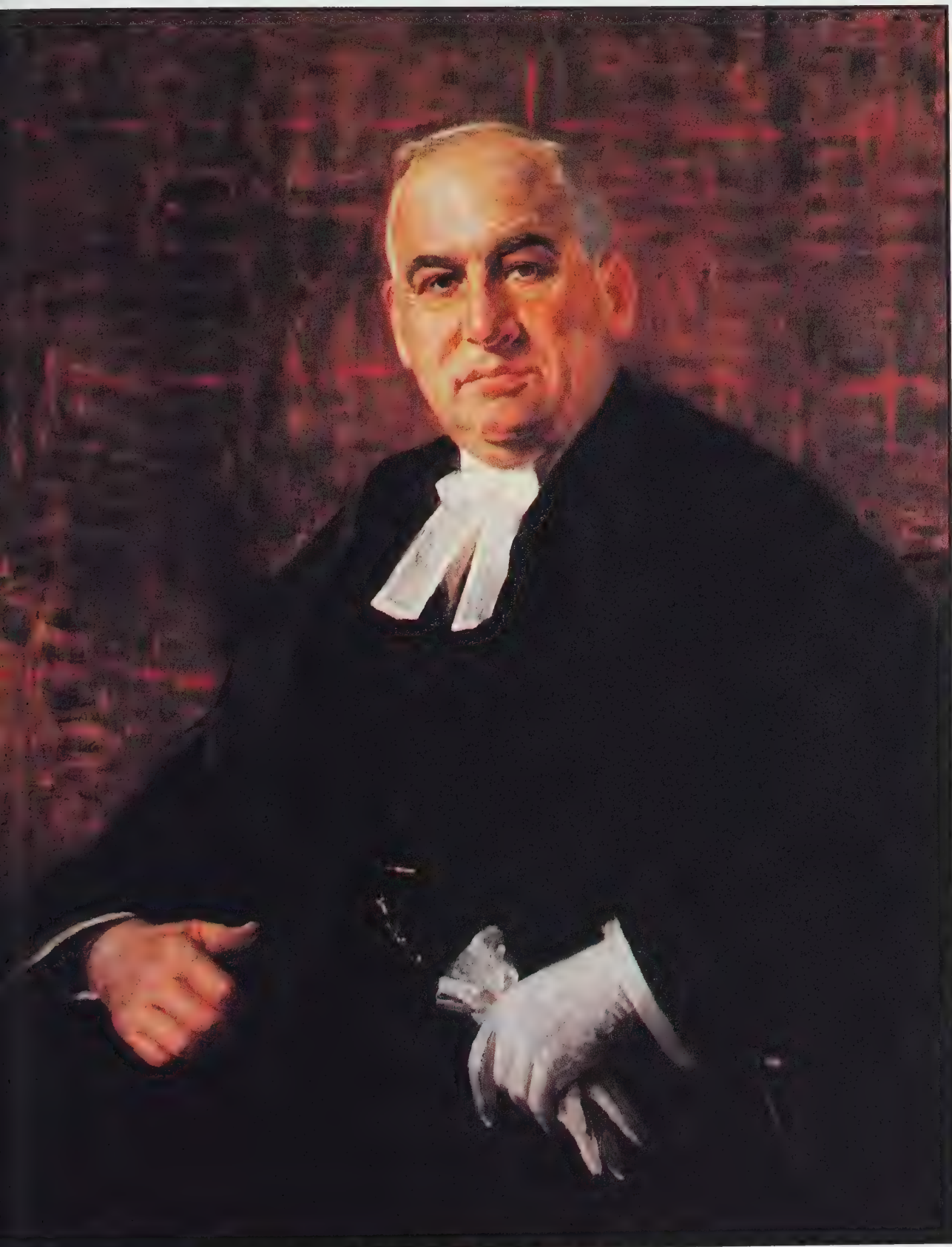
<sup>11</sup>Idem, *Journals of the Legislative Assembly of the Province of Ontario*, 1st Session, 13th Parliament, pp. 78, 140-142, 170, 186, 214, 365.

<sup>12</sup>Idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 48, 3rd Session, 13th Parliament, pp. 84, 123-124, 127, 134, 157, 266, 283, 326, 366-367, 413. See also: idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 47, 2nd Session, 13th Parliament, pp. 11, 63, 82, 77, 199, 378-385, 406.

<sup>13</sup>Finlay, *Speakers of the Legislative Assembly*, pp. 62-63.



*David Jamieson*



**David Jamieson**

**1915-1919**

*Portrait by E. Wyly Grier*

## **DAVID JAMIESON**

The men who have held the Speaker's Chair come from many backgrounds including law, journalism, and business. It was not until the election of Jacob Baxter in 1887, however, that a member of the medical profession was given the honour of presiding over the Chamber. It was to be almost 30 years before another doctor would be elected to the Speakership.

The second physician to hold the office of Speaker of the Legislative assembly was born 3 February 1856 in Wellington County, Canada West. The son of recent Scottish immigrants, David Jamieson was raised in Puslinch Township and received his early education at the township's local schools. He studied medicine at the University of Toronto, graduating in 1878.<sup>1</sup> In this same year, Jamieson moved to Durham, Ontario where he established a medical practice he would operate until the 1920s.<sup>2</sup>

Like many men of his generation, Jamieson combined an interest in business with his daily profession. In fact, he was instrumental in bringing industrial prosperity to the town of Durham. The "brain child" of Jamieson and other local businessmen was the Durham Furniture Company, founded in 1899 with the help of a \$10,000 civic loan. Jamieson served as president of this enterprise for many years. Due to close business ties with the T. Eaton Company, the Durham Furniture company prospered and, by 1905, employed 25 persons.<sup>3</sup>

To his list of professional interests Jamieson added that of politician in 1883. On 15 January 1883, he was elected to the Town Council as an alderman and was directly involved in the creation of a board of health for the region.<sup>4</sup> The following year, Jamieson was elected Reeve of Durham; he was again elected to this office in 1885.<sup>5</sup> When Jamieson left civic politics in 1887 he did not immediately pursue a seat in the provincial Legislature but sought election to the House of Commons in Ottawa. In 1887 he campaigned as the Conservative candidate for the federal riding of Grey South but lost by a small majority.<sup>6</sup>

After this defeat, Jamieson turned his attention to a seat in the provincial Assembly. In the provincial general election of 1898, he was elected the member for Grey South by a slim margin.<sup>7</sup> Over the course of the following four elections in 1902, 1905, 1908 and 1911, Jamieson was returned to the House with small, though increasing, margins of support.<sup>8</sup> While perhaps not as vocal or flamboyant as his colleagues on the floor of



the Assembly, the doctor from Durham took an active part in the business of the House. During the period prior to his election to the Chair, he served on many of the Assembly's Standing Committees, including those concerned with Private Bills, Privileges and Elections, and Railways.<sup>9</sup>

This silent but dependable backbencher was returned as the member for Grey South in the provincial general election of 1914 with a plurality of over 60 per cent.<sup>10</sup> When the Assembly opened in Toronto on 16 February 1915, Premier William Howard Hearst followed a long-standing tradition of the British House of Commons and chose the Chamber's new presiding officer from among the solid backbone of his membership. On this date, Dr. David Jamieson was elected to preside as Speaker over the province's 14th parliament.<sup>11</sup>

In the period immediately following World War I, the Legislative Assembly focused on routine issues. A war tax imposed in 1915 was withdrawn in 1919<sup>12</sup> and this issue was brought before the House. Nonetheless, the overwhelming majority of petitions, questions, and bills dealt with more immediate concerns. For instance, the question of extending the franchise to women was raised several times during Jamieson's Speakership. While many petitions in favour of this action were submitted to the members for consideration, legislation to provide the vote for women was twice struck down at second reading before being passed during the Assembly's third session.<sup>13</sup>

The House addressed and debated a diverse range of bills dealing with social matters. The enactment of legislation making school attendance compulsory for adolescents was a noteworthy example of this expression of social concern.<sup>14</sup> Most important, however, was the introduction and passage of the *Ontario Temperance Act*.<sup>15</sup> Public attention was strongly preoccupied by this piece of legislation. Temperance was a big issue in Ontario at that time.

In 1919, Jamieson along with many of his colleagues in the House fell victim to the growing political unrest in the province. He was defeated in the provincial general election by a candidate representing the United Farmers of Ontario. His fortunes changed in 1923, however, and he was once again sent to the Assembly as the member for Grey South.<sup>16</sup> Although he was not returned to the Chair, Jamieson did serve as chairman of the Assembly's Agricultural Committee which, in 1924, was charged with investigating "all matters concerning the social, educational and economic conditions



surrounding the agricultural, live stock and dairying industries of the Province."<sup>17</sup> When Premier George Howard Ferguson shuffled his cabinet on 19 October 1926, the member for Grey South was made a minister without portfolio. This honour was to be shortlived. A provincial election in December of the same year swept the new minister out of the Assembly and the Cabinet.<sup>18</sup>

Even out of the House, Jamieson remained active in provincial politics. Shortly after his defeat in 1926, he was named chairman of the Mother's Allowance Commission and caused a minor political uproar. When Mrs. A. Shortt, vice-chairman of the Mothers' Allowance Commission resigned her appointment in September 1927 charging that employment in the Commission was reliant on patronage rather than the recommendation of the Civil Service Commission, Jamieson openly admitted that

he was a strong Tory and . . . that appointments [to the Mother's Allowance Commission] would continue to be given to Conservatives if they were as capable of handling them as persons who were not members of the party.<sup>19</sup>

Jamieson was named chairman of the commission that administered the *Old Age Pensions Act* after its passage in 1929. It must be noted that patronage appointments were quite common and accepted. The Durham doctor acted as Chairman for both Commissions until his retirement in 1935.

The final years of the former member for Grey South were spent in Durham in pursuit of his medical and business interests. David Jamieson died on 17 September 1942.<sup>20</sup>

### Notes

<sup>1</sup>Kathleen Finlay, *Speakers of the Legislative Assembly of Ontario, 1867-1984* (Toronto: Legislative Library, Research and Information Services, 1985), p. 64; and "Dr. David Jamieson," Biographical Scrapbooks, vol. 10, p. 781, Metropolitan Toronto Reference Library (MTRL).

<sup>2</sup>*Durham Centennial Historical Review* (Durham, Ont.: Corporation of the Town of Durham, 1979), p. 113; and Finlay, *Speakers of the Legislative Assembly*, p. 64.

<sup>3</sup>Due to its location on the Rocky Saugeen River, the Durham Furniture Company was also the first business establishment in the province to generate its own electrical power. Finlay, *Speakers of the Legislative Assembly*, p. 64. See also: "Dr. David Jamieson," Biographical File, vol. 10, p. 781, MTRL; and *Durham Centennial Historical Review*, p. 16.

<sup>4</sup>*Durham Centennial Historical Review*, p. 38.

<sup>5</sup>*Ibid.*, p. 36; and Finlay, *Speakers of the Legislative Assembly*, p. 64.

<sup>6</sup>E. L. Marsh, *A History of the County of Grey* (Owen Sound, Ont.: Flemming Publishing Co., 1913), p. 341; and *Durham Centennial Historical Review*, p. 34.

<sup>7</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario, 1867-1982: Candidates and Results with Statistics from the Records*, comp. Office of the Chief Election Officer (Toronto: Office of the Chief Election Officer, 1985), p. 241.

<sup>8</sup>*Ibid.*

<sup>9</sup>See: Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 34, 3rd Session, 9th Parliament (Toronto: L. K. Cameron, 1900), pp. 33-34; *idem*, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 39, 1st Session, 11th Parliament (Toronto: L. K. Cameron, 1905), pp. 27-28; and *idem*, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 43, 1st Session, 12th Parliament (Toronto: L. K. Cameron, 1909), pp. 39-40.

<sup>10</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario*, p. 241.

<sup>11</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 49, 1st Session, 14th Parliament (Toronto: L. K. Cameron, 1915), p. 5.

<sup>12</sup>See: Ibid., pp. 37, 125-128, 141, 245, 273; and idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 53, 5th Session, 14th Parliament (Toronto: A. T. Wilgress, 1919), pp. 111, 112, 143, 190, 243.

<sup>13</sup>Idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 49, 1st Session, 14th Parliament, pp. 26, 84, 94, 105, 111, 128, 192, 231; idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 50, 2nd Session, 14th Parliament (Toronto: A. T. Wilgress, 1916), pp. 7, 26, 68, 95, 101, 108; and idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 51, 3rd Session, 14th Parliament (Toronto: A. T. Wilgress, 1917), pp. 14, 51, 116, 242, 273.

<sup>14</sup>Idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 50, 2nd Session, 14th Parliament, pp. 161, 216, 232, 239, 256.

<sup>15</sup>Ibid., pp. 132, 147, 172, 213, 229, 227-228, 229, 256.

<sup>16</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario*, p. 242.

<sup>17</sup>See: Province of Ontario, Legislative Assembly, *Report of the Agricultural Enquiry Committee*, 1924, Dr. D. Jamieson Chairman (Toronto: Clarkson W. James, 1925), p. 1.

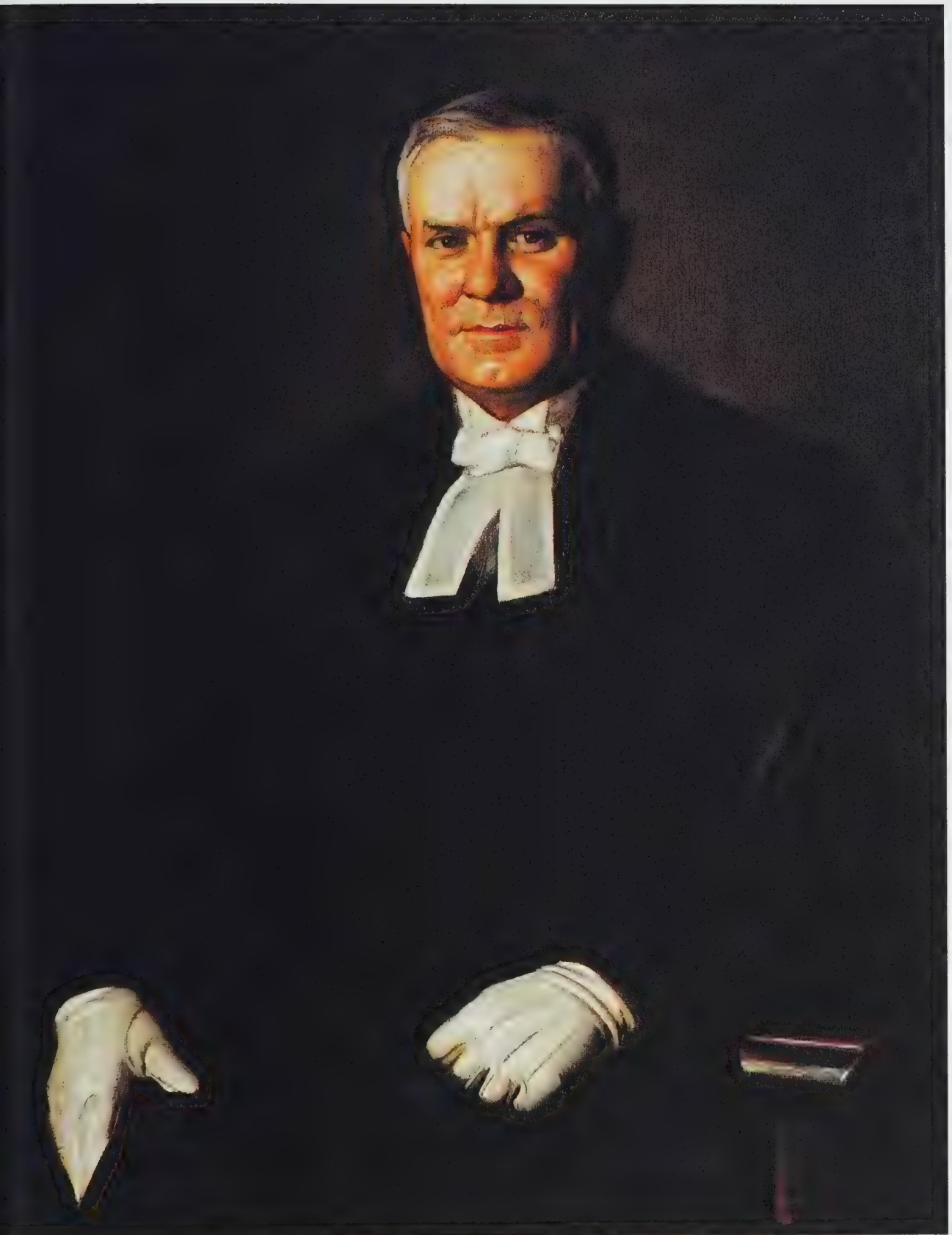
<sup>18</sup>*Legislators and Legislatures of Ontario*, vol. 1: 1792-1866, comp. Debra Forman (Toronto: Legislative Library, 1985), p. xxxv; Peter Oliver, *G. Howard Ferguson: Ontario Tory*, Ontario Historical Studies Series (Toronto: University of Toronto Press, 1977), p. 274; and Finlay, *Speakers of the Legislative Assembly*, pp. 65-66.

<sup>19</sup>Oliver, *G. Howard Ferguson: Ontario Tory*, p. 360. See also: Clifford J. Williams, *Decades of Service: A History of the Ontario Ministry of Community and Social Services: 1930-1980* (Toronto: The Ministry, 1984), pp. 5, 38.

<sup>20</sup>*Durham Centennial Historical Review*, p. 113; and Finlay, *Speakers of the Legislative Assembly*, p. 66.



*Nelson Parliament*



**Nelson Parliament**

**1920-1923**

*Portrait by Curtis Williamson*

## NELSON PARLIAMENT

Of all the men who have held the office of Speaker of the Legislative Assembly, only one had what could be referred to as the nominal qualification for the position. Nelson Parliament was born in Ameliasburgh, Ontario on 11 March 1877. He was educated at Albert College in Belleville and later took up farming in Prince Edward County. Save for membership in the local chapter of the Masonic Lodge, Parliament seems to have been unique among his fellow future parliamentarians in that he did not participate in either local politics or business associations prior to his election to the House.<sup>1</sup>

Although there is little evidence to explain why this quiet farmer abandoned his rural life, in the 1914 provincial general election Nelson Parliament campaigned as the Liberal candidate for the riding of Prince Edward. With a plurality of less than 50 per cent, he defeated his Conservative opponent and, on 29 June 1914, was elected to the Assembly for the first of three terms.<sup>2</sup> The *Journals* for this period show that, while the member for Prince Edward may not have been as verbose as his colleagues, when Parliament did stand to speak it was in defense of issues close to his farmer's heart -- namely agricultural life and the preservation of rural values. In spite of what could be characterized as a weak showing in the House, Parliament was returned to the Assembly in the general election of 1919 by a substantially improved margin of support.<sup>3</sup>

The reason for Parliament's victory may be found in the popularity of the agrarian movement that had been growing in Ontario since 1911. By the end of the First World War, this movement had gained enough support to seriously challenge the established political parties in the province. A direct result of this political drive was the creation of the United Farmers of Ontario which, it has been suggested, was formed as "a revolt against the policies of the old-line parties, both provincial and federal."<sup>4</sup> At the core of the UFO, as it was commonly called, were the loosely organized "Farmers' Clubs" that had been created by the Ontario Department of Agriculture to act as educational stimuli and to encourage farmers to seek information regarding issues as diverse as field production and citizenship.<sup>5</sup>

When the results of the provincial general election of 1919 were known, it became obvious that the established political parties had been defeated by an entity that the government had created. Even though the UFO conceived of its political role as a lobby and opposition group rather than as a coherent



party, they captured 40 per cent of the seats in the Assembly. This result made the UFO the largest single party in the Legislature. In order to form a government, the UFO allied itself with the few members that the Independent Labour Party had managed to return to the Assembly. Thus, on 9 March 1920 a different government took power in Ontario. The new Premier, E. C. Drury and two other members of Cabinet had to scramble to find seats in the Assembly since they had been defeated in the election.<sup>6</sup>

It was within this scenario that Nelson Parliament -- a Liberal member -- was elected to the Speakership when the 15th Legislature opened in Toronto on 9 March 1920.<sup>7</sup> Even though he was a member of what was now an opposition party, Parliament was, as Drury puts it, "stolen" from the Liberals since he, "was himself quite willing [to be Speaker], and he was acceptable to the UFO."<sup>8</sup> Drury further maintained that as Parliament had not been elected as a government supporter, his impartiality while in the Chair could be assured.<sup>9</sup> With his election to the Speakership, the member for Prince Edward became the first non-government member to hold this office. Such an occurrence would not be repeated until 1977 when Jack Stokes, a New Democrat, would take the Chair.<sup>10</sup>

As is frequently the case, the issues and legislation debated between 1919 and 1923 strongly reflected the social and political concerns of the governing party. Consequently, Speaker Parliament presided over a Chamber which devoted a great deal of its attention to social and agricultural questions. For example, the welfare of women and children figured prominently in many of the bills brought before the members in the Assembly's first two sessions. In 1920 legislation to "provide payment of an allowance to Mothers of Dependent Children" received royal assent as did other legislation that established "a Minimum Wage Board to regulate the minimum wage for women and girls."<sup>11</sup> Furthermore, a bill to provide for the appointment of probation officers was passed by the Legislature in the course of the 1922 session.<sup>12</sup> It was also during this sitting that the Select Committee on Ontario's Fruit and Apple Interests tabled its report.<sup>13</sup>

Perhaps the best example of Parliament's concern for the continued impartiality of the Chair, however, can be found during the 1923 session. Drury recounts that, in April of that year, a bill to provide for the transferable vote was brought before the House for first reading. Three earlier sessions of the House had seen raucous debate that had compelled Speaker Parliament to rule on the issue of unparliamentary language. In this legislation in a similar fashion. A filibuster was begun to delay consideration



of the bill. The opposition took literally the right of every member to speak in the debate on the reading; several members discussed the issue for hours while others, such as Charlie McCrea, read pages from voluminous works of literature.<sup>14</sup> During this parliamentary procrastination, the onus was on Drury and his supporters to maintain a quorum of 20 members in the House at all times. As Drury notes:

Members [of the governing party] naturally grew tired of listening to senseless twaddle and sneaked out to the lobby for a smoke, or down to the dining room . . . Several times during the debate the member who had the floor called on the Speaker to count the members present. He counted very slowly while the Whips hustled about rounding up the absent members. Somehow they always managed to get the required twenty in their places before he came to the end of his count.<sup>15</sup>

Thus, while Speaker Parliament could have ended the debate by acquiescing to his colleague's demands, his deliberate stalling allowed the debate to continue and enhanced his reputation for impartiality.

Despite an admirable term in the Chair, Parliament was not returned to the Assembly in 1923. However, he turned his political expertise to a less visible activity; shortly after his defeat, Parliament became a backroom organizer for the Liberal party. Some years later, he moved to the state of Indiana to pursue a business partnership with his nephew. Nelson Parliament died in Indiana on 17 May 1967 at the age of 90.<sup>16</sup>

## Notes

<sup>1</sup>E. Mildred Parliament Wanamaker, "Parliament Family," Typewritten Manuscript, 1972, Belleville Public Library Collection; and Kathleen Finlay, *Speakers of the Legislative Assembly of Ontario, 1867-1984* (Toronto: Legislative Library, Research and Information Services, 1985), p. 67.

<sup>2</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario, 1867-1982: Candidates and Results with Statistics from the Records*, comp. Office of the Chief Election Officer (Toronto: Legislative Assembly, 1985), p. 393; and *Legislators and Legislatures of Ontario*, vol. 2: 1867-1929, comp. Debra Forman (Toronto: Legislative Library, Research and Information Services, 1985), p. 179.

<sup>3</sup>In this election, Parliament's share of the popular vote in the riding of Prince Edward had grown 8 per cent to a total of 55.8. See: Province of Ontario, Elections Ontario, *Electoral History of Ontario*, p. 393.

<sup>4</sup>J. D. Hoffman, "Farmer-Labour Government in Ontario, 1919-1923," Master's Thesis, Department of Political Economy, 1959, University of Toronto, pp. 1, 5, 8.

<sup>5</sup>Ibid, pp. 10-13; and Melville Staples, *The Challenge of Agriculture*, (Toronto: Morang, 1921), pp. 42-43.

<sup>6</sup>Hoffman, "Farmer-Labour Government in Ontario, 1919-1923," pp. 13-44.

<sup>7</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 54, 1st Session, 15th Parliament (Toronto: A. T. Wilgress, 1920), pp. 5-6; and Forman, *Legislators and Legislatures of Ontario*, vol. 2: 1867-1929, p. 194.

<sup>8</sup>Parliament was a suitable candidate for the Speakership for several reasons: his riding was predominantly rural, he was himself a farmer and he had been known to support agricultural causes in the House. See: E. C. Drury, *Farmer Premier: Memoirs of the Honourable E. C. Drury* (Toronto: McClelland and Stewart, 1966), p. 96; and Finlay, *Speakers of the Legislative Assembly*, p. 68.

<sup>9</sup>Ibid. See also: Charles M. Johnston, *E. C. Drury: Agrarian Idealist* (Toronto: University of Toronto Press, 1985), p. 81.

<sup>10</sup>Graham White, *The Ontario Legislature: A Political Analysis* (Toronto: University of Toronto Press, 1989), p. 55.

<sup>11</sup>See: Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 54, 1st Session, 15th Parliament

(Toronto: A. T. Wilgress, 1920), pp. 250, 292, 296, 316, 327, 328, 344, 383.

At least three additional pieces of legislation directly addressing child welfare were also passed during the House's second sitting. See: idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 55, 2nd Session, 15th Parliament, pp. 25, 88, 97, 98, 126, 165, 188, 189, 206, 205, 223, 224, 236, 242, 353, 387.

<sup>12</sup>Idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 56, 3rd Session, 15th Parliament (Toronto: Clarkson W. James, 1922), pp. 30, 154-155, 223, 230, 267, 280.

<sup>13</sup>Ibid., Appendix I.

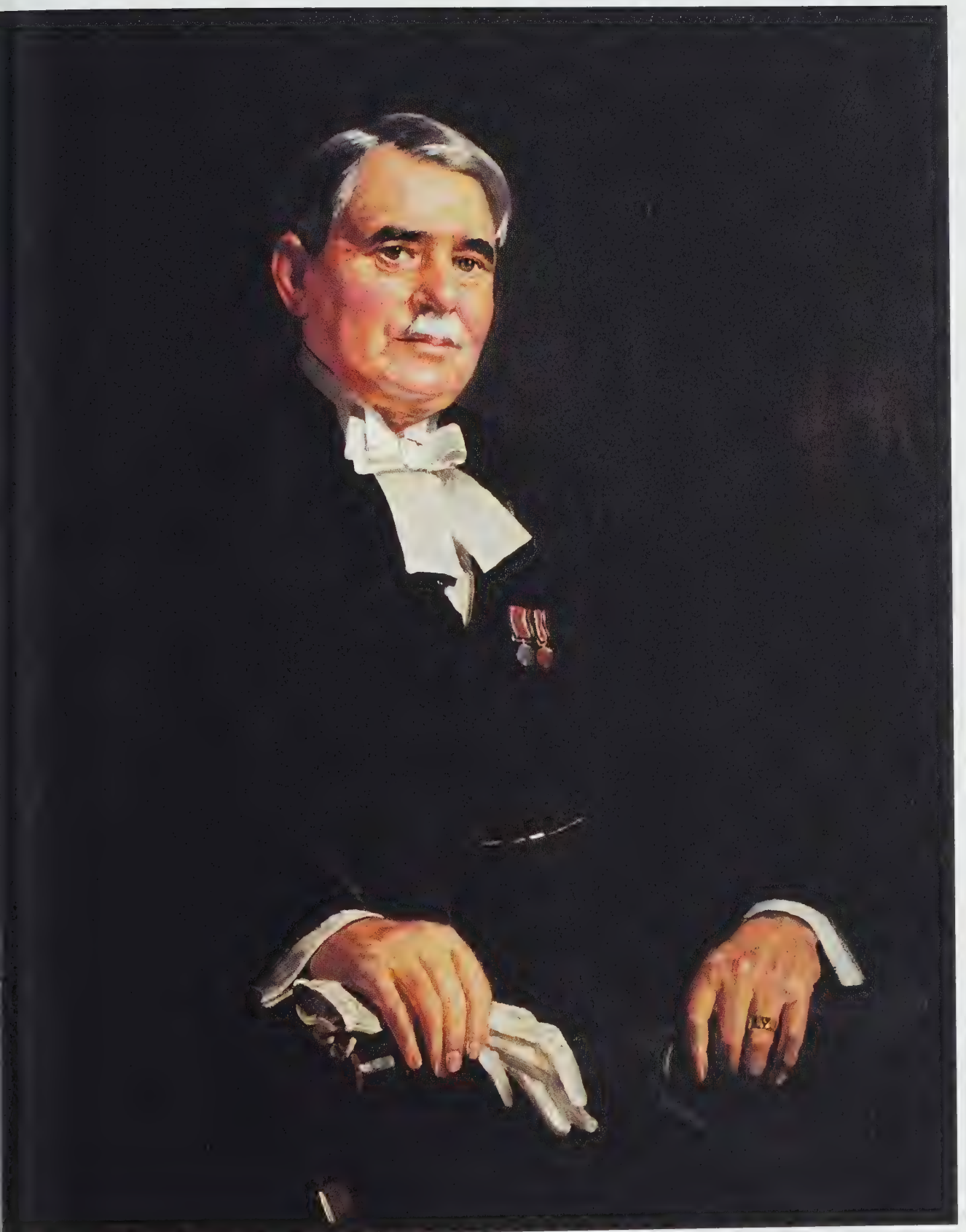
<sup>14</sup>Drury, *Farmer Premier*, pp. 152-153.

<sup>15</sup>Ibid., p. 153.

<sup>16</sup>Finlay, *Speakers of the Legislative Assembly*, p. 69.



*Joseph Elijah Thompson*



**Joseph Elijah Thompson**  
**1924-1926**  
*Portrait by E. Wyly Grier*

## JOSEPH ELIJAH THOMPSON

Joseph Elijah Thompson was born on 19 July 1867. He grew up in the Cabbagetown neighbourhood of Toronto where he attended Dufferin School - now Lord Dufferin Public School<sup>1</sup> -- and Jarvis Collegiate. At the age of 17, Thompson left school and found employment as a junior clerk in a dry goods store.<sup>2</sup> However, his retail career did not last long; in 1889, he was appointed a clerk in the Treasurer's Office of the City of Toronto.<sup>3</sup>

Thompson held his position as treasury clerk for almost 20 years before moving closer to a career in local politics. In 1907 he was appointed to the office of Commissioner of Industry and Publicity for the City of Toronto. Although some observers questioned his lack of experience, he soon established himself as a knowledgeable individual who successfully enticed several new factories and businesses to establish themselves in Toronto.<sup>4</sup> Thompson's most notable achievement while Commissioner was his involvement in events which led to the acquisition of hydro-electric service for the entire city.<sup>5</sup>

After retiring from the Commissioner's portfolio in 1908, Thompson left the civil administration to establish his own business as an insurance broker. His interests soon veered back to the civic arena and, in 1915, he was elected to the City's Board of Control for the first of two terms.<sup>6</sup> Thompson's tenure on the Board was interrupted when he, like many other men of his day, volunteered for active military service during World War I. He served as a captain with the Canadian Expeditionary Forces and participated in the Allied occupation of Germany. In 1919 Thompson was discharged and returned to Toronto to resume his careers in business and administration.<sup>7</sup>

It was in this same year that Thompson turned his attention from civic to provincial politics. He secured the Conservative nomination as the candidate for the riding of Toronto Northeast -- Seat B and, although gaining only 40 per cent of the popular vote, won the seat in the 1919 general election.<sup>8</sup> One of the few Conservative candidates who did not fall victim to the United Farmers of Ontario, he was given the position of party whip when the Legislature opened on 9 March 1920. It was in this capacity that he chaired the 1920 Conservative Leadership convention.<sup>9</sup> In the boisterous atmosphere of the convention, the delegates demanded that the nominating committee, which had been selected prior to the event, not simply be accepted as a *fait accompli*, but that its members be selected by and from the delegates on the convention floor. Ultimately, Thompson decided it was in the best interests



of the convention and the party to comply with the wishes of the delegates. The nominating committee was struck and the convention proceeded without incident.<sup>10</sup>

The member for Toronto Northeast was returned to the House with a greater majority in 1923.<sup>11</sup> On 6 February 1924, he was elected to the office of Speaker of the Legislative Assembly. Several interesting topics were brought to the attention of the members during the course of the 16th parliament, including the questions of bilingualism in schools<sup>12</sup> and the government's monopoly on patronage positions.<sup>13</sup> In addition, legislation enabling the City of Toronto to own and operate a ferry service to and from Toronto Island was debated and passed in the course of the 1926 session.<sup>14</sup>

The issue that dominated Thompson's term in the Chair, however, was the province's temperance movement. This volatile and often emotional matter surfaced repeatedly in the Assembly's debates. While the government may have felt that the passage of an act to amend the *Ontario Temperance Act* in the first session would put the debate to rest, it did little to quell the furor.<sup>15</sup> In the following sitting, several petitions protesting the amendment were brought before the House; this outpouring of dissatisfaction forced the government to push through yet another legislative modification.<sup>16</sup> Speaker Thompson effectively ended this political quandary during the Assembly's final session. When a member proposed a bill to provide the government's control and sale of liquor, Thompson ruled that the legislation was out of order as it necessitated the spending of public monies which was not within the purview of a private member.<sup>17</sup>

Although he retired from the Speakership in 1926, Thompson did not leave provincial politics. In the same year, he ran as the Conservative candidate for the riding of St. David in Toronto and won with another overwhelming majority.<sup>18</sup> During the course of the 17th parliament, Thompson was a member of the Assembly's Standing Committees on Private Bills, Railways, and Public Accounts and served as Chairman of the latter.<sup>19</sup> He did not seek re-election in 1929 but returned to civic administration with the acceptance of the position of registrar of the surrogate court in Toronto. A casualty of what has been called Mitch Hepburn's "war against Conservative symbols,"<sup>20</sup> Thompson lost his civil appointment in 1934. Undaunted by this blow, he returned his attention to his business. In 1939, Thompson made an attempt to return to municipal politics and unsuccessfully campaigned as an aldermanic candidate. Joseph Elijah Thompson died on 16 March 1941 in Toronto.



## Notes

<sup>1</sup>Dufferin School was founded in 1877 and was renamed Lord Dufferin Public School on 17 November 1949. See: Colleen Kelly, *Cabbagetown in Pictures*, Toronto Public Library Board Local History Handbook No. 4 (Toronto: Toronto Public Library Board, 1984), pp. 17, 29.

<sup>2</sup>Kathleen Finlay, *Speakers of the Legislative Assembly of Ontario, 1867-1984* (Toronto: Legislative Library, Research and Information Services, 1985), p. 70.

<sup>3</sup>"Joseph E. Thompson," Members of Council, Boards and Heads of Departments File, City of Toronto Archives, City Hall.

<sup>4</sup>*Ibid.*; and Finlay, *Speakers of the Legislative Assembly*, p. 70.

<sup>5</sup>For a history of electricity in the City of Toronto, see: *Bright Lights, Big City: The History of Electricity in Toronto* (Toronto: Ontario Association of Archivists, Toronto Chapter, 1991), pp. 8-27.

<sup>6</sup>"Joseph E. Thompson," Members of council, Boards and Heads of Departments File, City of Toronto Archives, City Hall.

<sup>7</sup>Finlay, *Speakers of the Legislative Assembly*, p. 70.

<sup>8</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario, 1867-1982: Candidates and Results with Statistics from the Records*, comp. Office of the Chief Election Officer (Toronto: Office of the Chief Election Officer, 1985), p. 497.

<sup>9</sup>Peter Oliver, *G. Howard Ferguson: Ontario Tory*, Ontario Historical Studies Series (Toronto and Buffalo: University of Toronto Press, 1977), p. 103.

<sup>10</sup>*Ibid.*

<sup>11</sup>In the 1923 general election, Thompson received 78 per cent of the votes cast in the riding of Toronto Northeast -- Seat B. His previous margin of victory had been only 40 per cent. See: Province of Ontario, Elections Ontario, *Electoral History of Ontario*, p. 497.

<sup>12</sup>The motion was ultimately withdrawn. See: Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 59, 2nd Session, 16th Parliament (Toronto: Clarkson W. James, 1925), pp. 225, 233.

<sup>13</sup>*Ibid.*, pp. 105, 106, 107, 146, 147, 148, 157.

<sup>14</sup>*Idem*, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 60, 3rd Session, 16th Parliament (Toronto: Clarkson W. James, 1926), pp. 15, 54, 57, 157, 173, 188, 209, 277.

<sup>15</sup>*Idem*, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 58, 1st Session, 16th Parliament (Toronto: Clarkson W. James, 1927), pp. 61, 111-112, 127-129, 134, 143, 297. See also: *idem*, pp. 50, 62, 93, 94, 95, 146, 161, 177, 267, 269.

<sup>16</sup>*Idem*, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 59, 2nd Session, 16th Parliament, pp. 76, 88, 99, 101, 119, 125, 137, 142, 161, 175, 179, 182, 183, 184, 193, 215, 226, 234, 275.

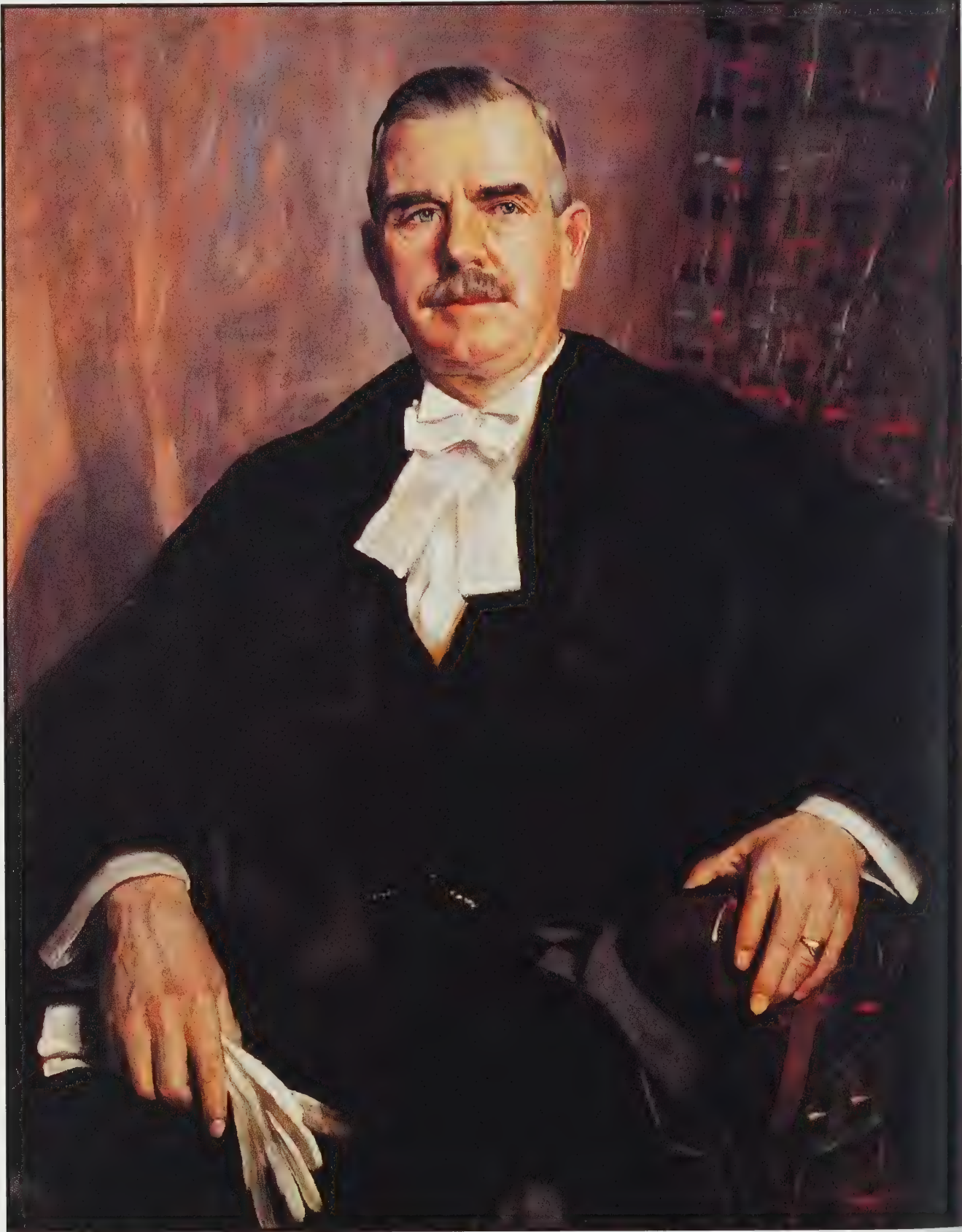
<sup>17</sup>*Idem*, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 60, 3rd Session, 16th Parliament, pp. 89, 228.

<sup>18</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario*, p. 497.

<sup>19</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 61, 1st Session, 17th Parliament (Toronto: Clarkson W. James, 1927), pp. 26-27; *idem*, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 63, 3rd Session, 17th Parliament (Toronto: Clarkson W. James, 1929), pp. 18-20; and Finlay, *Speakers of the Legislative Assembly*, p. 72.

<sup>20</sup>Finlay, *Speakers of the Legislative Assembly*, p. 72.

*William David Black*



**William David Black**  
**1927-1929**

*Portrait by E. Wyly Grier*



## **WILLIAM DAVID BLACK**

The man who would become Speaker of the 18th Legislature of the Province of Ontario was born in Dundas County, Ontario on 17 October 1867. The son of Scottish immigrants, William David Black's education was both practical and broad. He received his formal instruction at the local elementary school but also developed an admiration for rural life while helping his father on the family farm. At the age of 17, Black left the farm for a position as a trackman for the Canadian Pacific Railway. He left the employ of the CPR in 1894 and established himself as a general merchant and contractor in the village of Parham in Frontenac County. It was also during this period that Black became involved in lumbering and contracting in the Temagami district of Northern Ontario. His commercial enterprises flourished and, by 1905, he was wealthy enough to consider retiring.<sup>1</sup>

Black's earliest political posting was as reeve of Parham. In addition to this office, he also served as a commissioner to the county council. Black tempered his political pursuits with an interest in social and business organizations as did many other legislators of the period. For example, he acted as auditor of the Parham School Board for five years in the early 1900s and held the office of Director of the Canadian Fair Association for two terms. Black also served 15 years as secretary-treasurer of the local Agricultural Society and five years as secretary of the Farmers' Institute.<sup>2</sup>

Given his dedication to the economic, social and political life of his community, it is not surprising that Black turned his experienced hand to provincial politics in 1911. In this year he won the Conservative nomination for the constituency of Addington by acclamation and won the seat in a similar fashion.<sup>3</sup> In the three subsequent provincial general elections of 1914, 1919, and 1923, the member for Addington was returned to the House either by acclamation or by a plurality of more than 70 per cent. Indeed, Black's support among the rural population of Addington was such that in 1919 the United Farmers of Ontario could not field a single candidate to challenge him for the riding.<sup>4</sup>

Black's own agricultural background and interests manifested themselves in his work in the House. Throughout this period, he championed rural issues and in 1921 and 1922 he chaired the Assembly's Special Committee of Inquiry into the Province's Fruit and Apple Interests.<sup>5</sup> From 1924 until 1926, he also served on the subcommittee of the Assembly's Agricultural

Inquiry Committee. On the strength of his legislative record, Black was returned to the Assembly in 1926 by acclamation.<sup>6</sup> His lengthy parliamentary experience recommended the Parham businessman for the Assembly's highest honour. Indeed, Premier Howard Ferguson described the long-time member as "a model guardian of the liberties of this House." Thus, On 2 February 1927, Black became the 17th individual to preside over the Legislative Assembly of Ontario.<sup>7</sup>

Throughout his term as Speaker, the House considered several interesting legislative questions ranging from the regulation of embalmers and funeral directors,<sup>8</sup> to the study of pulp and timber limits in the province,<sup>9</sup> to the provision of old age pensions.<sup>10</sup> And, like many previous Speakers, Black was also asked to rule on points of order and questions of privilege. On 20 February, for example, W. E. N. Sinclair, the member for the riding of Ontario South, took objection to a remark made by Premier Howard Ferguson in debate and requested that Speaker Black rule on the issue. Two days later, the Speaker ruled on what was, in effect, a question of the use of allegedly unparliamentary language. Black determined that Ferguson's statement that Sinclair "cannot treat this House, or one of the Committees of this House, with contempt," did not constitute a point of order. He noted that

Had the honourable member been charged with contemptible conduct [by Ferguson] that would clearly have been out of order, but the remark of the Honourable the Prime Minister was made in the course of an argument, not charging improper motive, but in the same manner as it might quite properly have been used in an agreement in a court of law.<sup>11</sup>

Despite several sessions of fierce debate, the matter of unparliamentary language did not resurface during Black's term in the Chair.

Perhaps the most important issue discussed in the House during this period, however, was that which concerned the establishment of the Liquor Control Board of Ontario. Premier Ferguson brought the bill before the House on 9 March 1927, and it was met with resistance almost immediately. In the

course of the debates that followed, several amendments were considered including one proposing that

no government liquor store ought to be established in any municipality without opportunity being given to the electors or to the council of such municipality to express a point of view on the subject.<sup>12</sup>

Despite the protests of the Opposition, this and other amendments were ultimately defeated by large majorities. It could be suggested that Speaker Black also had a direct influence on the eventual passage of this legislation: by ruling that members should restrict themselves to debating the merits of the bill, he helped the Premier to keep control over the discussion in the House. On 5 April 1927 the *Liquor Control Act of Ontario* received royal assent.<sup>13</sup>

In 1929, Black was once again returned to the House with a substantial majority; he was not, however, re-elected to the Chair. After resuming his position on the party's backbenches, the member for Addington took up those issues which had merited his attention prior to his election to the Chair. To this end, he served as Chairman of the Public Accounts Committee for the next four years and as a member of the Ontario Game Resources Commission.<sup>14</sup> Black was returned to the House in the two subsequent provincial elections but with progressively smaller margins of support.<sup>15</sup> In 1943, health problems forced him to withdraw permanently from public life. The former Speaker of the House did not recover from his illness. William David Black died in Ottawa on 24 October 1944 at the age of 76.<sup>16</sup>

## Notes

<sup>1</sup>Walter S. Herrington, *History of the County of Lennox and Addington* (Toronto: Macmillan, 1913), p. 356; "Retired Dean of Legislature stricken at 76," *Globe and Mail*, 25 October 1944; and Kathleen Finlay, *The Speakers of the Legislative Assembly of Ontario, 1867-1984* (Toronto: Legislative Library, Research and Information Services, 1985), p. 73.

<sup>2</sup>Herrington, *History of the County of Lennox and Addington*, p. 357; and Finlay, *Speakers of the Legislative Assembly*, p. 73.



<sup>3</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario, 1867-1982: Candidates and Results with Statistics from the Records*, comp. Office of the Chief Election Officer (Toronto: Office of the Chief Election Officer, 1985), p. 36.

<sup>4</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario*, p. 36; and Finlay, *Speakers of the Legislative Assembly*, p. 73.

<sup>5</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 56, 3rd Session, 15th Parliament (Toronto: Clarkson W. James, 1922), Appendix I; and Finlay, *Speakers of the Legislative Assembly*, pp. 73-74.

<sup>6</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario*, p. 36.

<sup>7</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 61, 1st Session, 17th Parliament (Toronto: King's Printer, 1927), p. 5; and *Legislators and Legislatures of Ontario*, vol. 2: 1867-1929, comp. Debra Forman (Toronto: Legislative Library, Research and Information Services, 1985), p. 231.

<sup>8</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 62, 2nd Session, 17th Parliament (Toronto: King's Printer, 1928), pp. 112, 143, 155, 163, 178.

<sup>9</sup>*Ibid.*, pp. 41, 81, 99, 100, 112, 170, 171, 174.

<sup>10</sup>*Idem*, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 63, 3rd Session, 17th Parliament (Toronto: King's Printer, 1929), pp. 91, 123, 147, 160, 188, 210.

<sup>11</sup>*Idem*, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 62, 2nd Session, 17th Parliament, p. 40.

<sup>12</sup>*Idem*, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 61, 1st Session, 17th Parliament, p. 141.

<sup>13</sup>*Ibid.*, pp. 98, 125, 126, 128, 131-143, 147, 156, 163, 175, 217. See also: Peter Oliver, *G. Howard Ferguson: Ontario Tory* (Toronto: University of Toronto Press, 1977), p. 279.

The bill was amended in the following two sessions. See: Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 62, 2nd session, 17th Parliament, pp. 129, 134, 146, 164, 165, 179; and idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 63, 3rd Session, 17th Parliament, pp. 131, 146, 158, 164, 188, 210.

<sup>14</sup>See: Finlay, *Speakers of the Legislative Assembly*, p. 74.

<sup>15</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario*, p. 36.

<sup>16</sup>"Retired Dean of Legislature stricken at 76," *Globe and Mail*, 25 October 1944; and Finlay, *Speakers of the Legislative Assembly*, p. 75.

*Thomas Ashmore Kidd*



**Thomas Ashmore Kidd**  
**1930-1934**

*Portrait by Archibald Barnes*



## **THOMAS ASHMORE KIDD**

Thomas Ashmore Kidd was born on 1 May 1899 in Burritt's Rapids, Ontario. The son of an entrepreneur with various business interests, Kidd grew up in Carlow Lodge -- the family home named for his mother's birthplace Carlow County, Ireland. He attended school in Burritt's Rapids, Kemptville, and Toronto.<sup>1</sup> Between graduation and his departure for the European front, Kidd moved to Kingston, Ontario and established himself as a wholesale merchant dealing in cocoa, canned goods, sugar, matches, grocery bags and other such goods.<sup>2</sup>

In 1910, Kidd received a commission with the 56th Grenville Lisgar Regiment. With the advent of war four years later, he became a member of the first Canadian military contingent to be sent to Europe in August of 1914. He served with the Canadian Expeditionary Force in France in 1915 and was badly wounded during the Battle of Ypres (22-24 April 1915).<sup>3</sup> Shortly thereafter, he returned home to Kingston a decorated hero and resumed his business career.<sup>4</sup>

Kidd proved to be an active member of the community. His letters show that he was greatly involved with several local charitable and service organizations including the Kingston Historical Society, the Kingston City Boys' Hockey League, the Kingston General Hospital, and Queen's University<sup>5</sup> and it is not surprising that Kidd eventually opted to campaign for a seat on the city council. He made his first appearance as the alderman for Kingston's Sydenham Ward in 1924 holding this seat until 1926.<sup>6</sup> During his tenure on City Council, Kidd gained political and procedural experience that would later serve him well in the provincial Assembly. He served as a member on several of the Council's committees including those concerned with Industries, Charities, and City Property.<sup>7</sup> During his final term as alderman, Kidd acted as president of the Finance Committee and chairman of the Kingston Board of Works.<sup>8</sup>

In 1926, Kidd left municipal politics to seek a seat in the provincial Legislature. In that year's provincial general election, he campaigned as the Conservative candidate for the riding of Kingston in place of the recently resigned Attorney General, W. F. Nickle. Although the disgruntled Nickle ran as an independent in the 1926 election, Kidd's status as a member of one of the most influential Tory families in the area made the outcome of the contest fairly certain. Kidd won the seat, capturing over 60 per cent of the popular vote.<sup>9</sup> Described as "a loyal Conservative wheel-horse" who,

although strongly partisan, "played the game with clean hands,"<sup>10</sup> Kidd spent his first term in the Assembly deeply involved with the Standing Committees of the House. In the course of the 17th parliament, he acted as a member of the committees on Private Bills, Municipal Law, Agriculture and Colonization, and Public Accounts.<sup>11</sup>

In 1929, Kidd was returned to the Assembly by acclamation.<sup>12</sup> On 5 February 1930, he made another political conquest. When the House convened in Toronto, he was elected to the office of Speaker of the Legislative Assembly.<sup>13</sup> The issues and events of his Speakership were diverse. Early in the second session, W. F. Nickle, an old political ally turned recent electoral opponent of the Speaker, presented Kidd with a gavel made from a beam of the old parliament buildings in Kingston. The gesture was symbolic. While a Speaker may use a reproving glance, a stern word or even a touch of humour to bring the Chamber to order, he would not need a gavel to enforce his authority.<sup>14</sup> It was also during Kidd's term in the Chair that discussion on an act to regulate barbers and hairdressers in the province was cut short on two separate occasions (the legislation was finally passed by the House in its fourth session).<sup>15</sup>

Most of the legislation before the House between 1930 and 1934 reflected the hard economic times which faced the province and the world. Measures to authorize the appropriation of money for unemployment relief were taken and three bills to this effect were introduced and quickly passed in succession by the Legislature.<sup>16</sup> Not surprisingly, the regulation of the sale of stocks and bonds also concerned the Assembly at this time. In response to the stock market crash, a bill to prevent fraud in connection with the sale of securities was passed within days of the opening of parliament creating the Securities Fraud Prevention Board. This regulatory body was replaced by the Ontario Securities Commission on 23 June 1932.<sup>17</sup> In this economically austere period, the Assembly also saw fit to support a motion to raise ministerial salaries by \$2,000 and to appropriate \$10 million for the development of Northern Ontario.<sup>18</sup>

Kidd's Speakership proved to be an important one in the development of provincial parliamentary procedure. In 1929, the rules governing procedure in the Assembly were revised. Schindeler notes that although the revisions "did not alter any of the fundamental procedures of the House," some innovations were made.<sup>19</sup> Most of these directly affected the role of the Speaker. For example, the first rule of the House cut the Assembly's parliamentary apron strings by providing that



. . . in all contingencies unprovided for the Question shall be decided by the Speaker and in making such a Ruling the Speaker shall base his decision on: 1st, the Usages and precedents of the Legislature. 2nd, the Rules, Usages and Formes of the House of Commons of the United Kingdom of Great Britain and Northern Ireland as in force at the time.<sup>20</sup>

The new rules also formalized the power conventionally exercised by the Chair in Westminster style legislatures allowing the Speaker to "name" any member who continued to talk after being asked to cease.<sup>21</sup>

While other Conservatives were falling to Hepburn's Liberals and the promise of a new era for the province, Kidd was returned to the Assembly, although by a substantially reduced majority.<sup>22</sup> The member for Kingston was elected once more in 1937. Upon his return to the Assembly, he was given the position of Chief Party Whip by the Conservatives' new leader, Earl Rowe.<sup>23</sup> Kidd resigned his seat on 8 March 1940 in order to unsuccessfully challenge Liberal Norman Rogers, Minister of National Defense, in that year's federal election. He had better luck in 1945 and was elected to the House of Commons in Ottawa as the member for Kingston.<sup>24</sup>

In the federal general election of 1949, Kidd lost his seat in the House of Commons and returned to Kingston and his business interests. Thomas Ashmore Kidd died there on 19 December 1973 at the age of 84.<sup>25</sup>

## Notes

<sup>1</sup>In the few biographies of Kidd extant, the names of the educational institutions he attended were not given. See: "Thomas Ashmore Kidd," *The Canadian Directory of Parliament, 1867-1967*, ed. J. K. Johnson (Ottawa, Ont.: Public Archives of Canada, 1968), p. 303; and Kathleen Finlay, *Speakers of the Legislative Assembly of Ontario, 1867-1984* (Toronto: Legislative Library, Research and Information Services, 1985), p. 76.



<sup>2</sup>The evidence consulted indicates only that Kidd established himself as "a wholesale merchandise broker at Kingston, Ontario." It does not give a date for this event. See: Johnson, *Directory of Canadian Parliament*, p. 303.

For more detailed information regarding the inventory of Kidd's enterprise, see: "T. A. Kidd, Personal File," Box 6 (1933), Thomas Ashmore Kidd Papers, Queen's University Archives, Queen's University.

<sup>3</sup>For a more detailed discussion of the history and achievements of the Canadian Expeditionary Force and its role in the Battle of Ypres, see: Desmond Morton, *A Military History of Canada* (Edmonton: Hurtig Publishers, 1985), pp. 137, 138, 141, 142, 145, 149.

<sup>4</sup>Kidd received a medal for bravery and a volunteer officer's medal. Finlay, *Speakers of the Legislative Assembly*, p. 76.

<sup>5</sup>See: Thomas Ashmore Kidd Papers, Boxes 4-7 (1931-1934), Queen's University Archives, Queen's University.

<sup>6</sup>Municipality of Kingston, City Council, *Minutes of the Council of the Corporation of the City of Kingston, Ontario for the Year 1923* (Kingston, Ont.: The Jackson Press, 1924), p. 6; and idem, *Minutes of the Council of the Corporation of the City of Kingston, Ontario for the Year 1924* (Kingston, Ont.: The Jackson Press, 1925), p. 1; and idem, *Minutes of the Council of the Corporation of the City of Kingston, Ontario for the Year 1925* (Kingston, Ont.: The Jackson Press, 1926), p. 1. All minute books of the Kingston City Council are held at the Queen's University Archives in Kingston.

<sup>7</sup>Idem, *Minutes of the Council of the Corporation of the City of Kingston, Ontario for the Year 1923*, pp. 6, 7, 309; idem, *Minutes of the Council of the Corporation of the City of Kingston, Ontario for the Year 1924*, pp. 7, 211, 229, 246; and idem, *Minutes of the Council of the Corporation of the City of Kingston, Ontario for the Year 1925*, p. 6.

<sup>8</sup>Idem, *Minutes of the Council of the Corporation of the City of Kingston, Ontario for the Year 1925*, p. 6.

<sup>9</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario, 1867-1982: Candidates and Results with Statistics from the Records*, comp. Office

of the Chief Election Officer (Toronto: Office of the Chief Election Officer, 1985), p. 259; and Finlay, *Speakers of the Legislative Assembly*, pp. 76-77.

<sup>10</sup>Finlay, *Speakers of the Legislative Assembly*, p. 77.

<sup>11</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 61, 1st Session, 17th Parliament (Toronto: Clarkson W. James, 1927), pp. 26-27.

<sup>12</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario*, p. 259.

<sup>13</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 64, 1st Session, 18th Parliament (Toronto: Herbert H. Hall, 1930), p. 5.

<sup>14</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 65, 2nd Session, 18th Parliament (Toronto: Herbert H. Ball, 1931), p. 95; and Finlay, *Speakers of the Legislative Assembly*, p. 77.

<sup>15</sup>See: Idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 65, 2nd Session, 18th Parliament, pp. 113, 127, 171; and idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 66, 3rd Session, 18th Parliament (Toronto: Herbert H. Ball, 1932), pp. 70, 126; and idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 67, 4th Session, 18th Parliament (Toronto: Herbert H. Ball, 1933), pp. 16, 64, 66, 149, 160, 172, 180, 222.

<sup>16</sup>Idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 65, 2nd Session, 18th Parliament, pp. 18, 34, 35, 54, 103, 194; idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 66, 3rd Session, 18th Parliament, pp. 133, 151, 164, 185, 192; and idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 67, 4th Session, 18th Parliament, pp. 166, 178, 191, 217, 224.

<sup>17</sup>The Ontario Securities Commission was created by an order-in-council on 23 June 1932.

Idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 64, 1st Session, 18th Parliament, pp. 40, 57, 58, 59, 60, 61, 70, 71,

82, 119, 133, 164; and telephone interview with Monica Zeller, Ontario Securities Commission, 16 January 1992.

<sup>18</sup>See: Idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 64, 1st Session, 18th Parliament, pp. 98, 110, 117, 126, 134, 140, 166.

<sup>19</sup>F. F. Schindeler, *Responsible Government in Ontario*, Canadian Government Series (Toronto: University of Toronto Press, 1969; reprint 1973), p. 138.

<sup>20</sup>Ibid.

<sup>21</sup>Ibid.; and Finlay, *Speakers of the Legislative Assembly*, p. 77. Once a member has been "named" by the Speaker, he or she is required to leave the Chamber.

<sup>22</sup>While he had been returned to the House by acclamation in 1929, Kidd received only 53.9 per cent of the votes cast for the riding of Kingston in the 1934 election.

Province of Ontario, Elections Ontario, *Electoral History of Ontario*, p. 259.

<sup>23</sup>Finlay, *Speakers of the Legislative Assembly*, p. 78.

<sup>24</sup>Province of Ontario. Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, Vol. 75, 6th Session, 20th Parliament (Toronto: T. E. Bowman, 1941), p. 8. Johnson, *The Canadian Directory of Parliament, 1867-1967*, p. 303.

<sup>25</sup>"Former Speaker top Orangeman," *Globe and Mail*, 21 December 1973; and Finlay, *Speakers of the Legislative Assembly*, p. 78.



*Norman Otto Hipel*



**Norman Otto Hipel**  
**1935-1938**

*Portrait by J. Ernest Sampson*

## **NORMAN OTTO HIPEL**

Born on 21 March 1890 on a farm near Preston, Ontario, Norman Otto Hipel was educated first at Riverbank Public School and later at Breslau Public School. At the age of 13, the future Speaker of the Assembly left school and moved to Berlin, Ontario, now Kitchener, where he worked as a dry goods clerk. Within three years, however, Hipel had returned to the family home at Breslau, Ontario. It was there that his father taught him carpentry, preparing him for the day when he would establish himself as a contractor. In 1911, at the age of 21, young Hipel began what was to become a successful business. Within a few short years he expanded his interests to include lumber marketing and fuel retailing. As a builder, he earned patents for designs of barns and skating arenas, several of which he constructed in the Gravenhurst, Waterloo, and Blind River regions of the province.<sup>1</sup>

Hipel's political career began at the municipal level. By 1925, he had been elected by acclamation to the offices of alderman, deputy-reeve, reeve and mayor of Preston.<sup>2</sup> Hipel chose to run in a less certain political contest in 1930. Since 1905, popular support for the provincial Liberals had eroded and the number of Liberal seats held in the House had steadily declined to a total of only 13 seats in the province's 17th Assembly. Moreover, the voters of Waterloo South -- the constituency for which Hipel campaigned in the 1930 by-election -- had not returned a Liberal to the House since 1894. Thus, when Hipel received the Liberal nomination, the possibility of his victory seemed, at best, remote. The political fortunes of Ontario's Liberals notwithstanding, the contractor from Preston secured the seat and won just over 50 per cent of the votes cast in the riding.<sup>3</sup> On 12 February 1931, Hipel was introduced to the House and sworn in as the new member for Waterloo South.<sup>4</sup>

In 1934, Ontario's voters swept the province's Tory majority out of power: a Liberal majority holding more than two-thirds of the seats in the Legislature had been elected. Hipel was one of these Liberals returned for the riding of Waterloo South. He had vanquished his Conservative opponent by a majority of more than 2,300 votes.<sup>5</sup> When the House convened at Queen's Park on 20 February 1935, Hipel attained yet another victory. On this date Premier Hepburn, secure in his large mandate, named Hipel Speaker of the Legislative Assembly.<sup>6</sup>

Two days after Hipel's election to the Chair, the mace which had been used by the Assembly of Upper Canada was returned to the province by the



President and government of the United States. The mace, symbol of royal authority and power in the Chamber, had been stolen from the parliament buildings during an American raid on Toronto on 27 April 1813. Although no explanation was given for the tardy restoration of this parliamentary symbol, the House quickly passed a resolution which documented its thanks and appreciation for

the friendliness and good-will towards His Majesty the King, and his subjects, which prompted this generous and neighbourly act on the part of the President and Government of the United States of America.<sup>7</sup>

With this cordial duty completed, the House focused its attention on other issues. In the course of the 19th provincial parliament, the matter of guardianship of the Dionne quintuplets was frequently debated in the House. Legislation on this topic was twice introduced and quickly passed.<sup>8</sup> Also, the adoption of a floral emblem for the province was provided by legislation that was enacted late in the 1937 session.<sup>9</sup>

The most intriguing development of Hipel's term in the Chair, however, occurred during the parliament's inaugural session. During a debate on a point of privilege, Premier Hepburn used the word "brazen" to describe George Stewart Henry, leader of the Conservative Opposition. When asked to rule on the matter as a point of privilege, the Speaker decided the word was unparliamentary and asked Hepburn to withdraw the remark. Hepburn, who was predisposed to running the Legislature very much according to his own rules, did not take kindly to Hipel's decision and challenged his ruling on the grounds that "the circumstances of the particular matter under consideration justified his use of the word."<sup>10</sup> In an unprecedented vote, Speaker Hipel's ruling was upheld by a margin of 63 to 17.<sup>11</sup>

Hipel was re-elected to the Assembly in 1937 and was also returned to the Chair on 1 December 1937.<sup>12</sup> He did not complete his second term as Speaker but, as Speakers Stevenson and Balfour before him, resigned the Chair to take an appointment to Cabinet. On 2 September 1938 he was given the Labour portfolio by Premier Hepburn, becoming the sixth individual to lead the ministry since Hepburn's Liberals assumed power.<sup>13</sup> On 22 November 1940, he added the Public Welfare portfolio to a growing list of ministerial responsibilities.<sup>14</sup> It was in his capacity as Minister that he introduced the *British Child Guest Act* on 12 March 1941. This



legislation provided for the well-being of some 600 English children who had been brought to Ontario for the duration of the war.<sup>15</sup> In 1942 Hipel was moved from the Public Welfare portfolio to that of Lands and Forests. He held this cabinet appointment until his defeat in the general election of 1943.<sup>16</sup>

In the following years he worked behind the scenes as a party organizer and made one final, unsuccessful attempt at entering the Legislature in 1948. After a thwarted bid for the Liberal leadership in 1950, Norman Otto Hipel retired to the life of a gentleman farmer and dedicated himself to environmental issues.<sup>17</sup> The former Speaker and Cabinet minister died suddenly on 16 February 1953.

### Notes

<sup>1</sup>"Hipel's record of public service," *Galt Daily Reporter*, 20 June 1934; "Norman O. Hipel," *41st Annual Report of the Waterloo Historical Society* (Waterloo, Ont.: The Society, 1953), p. 28; and Kathleen Finlay, *Speakers of the Legislative Assembly of Ontario, 1867-1984* (Toronto: Legislative Library, Research and Information Services, 1985), p. 79.

<sup>2</sup>"Norman O. Hipel," *41st Annual Report of the Waterloo Historical Society*, p. 28.

<sup>3</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario, 1867-1982: Candidates and Results with Statistics from the Records*, comp. Office of the Chief Election Officer (Toronto: Office of the Chief Election Officer, 1985), p. 225; and Finlay, *Speakers of the Legislative Assembly*, pp. 79-80.

<sup>4</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 65, 2nd Session 18th Parliament (Toronto: Herbert H. Ball, 1931), pp. 11, 16.

<sup>5</sup>"Largest vote in history in Preston polled yesterday," *Galt Daily Reporter*, 20 June 1934; "N. O. Hipel retains seat in Legislature," *The Prestonian*, 21 June 1934; Province of Ontario, Elections Ontario, *Electoral History of Ontario*, p. 225; and Finlay, *Speakers of the Legislative Assembly*, p. 80.

<sup>6</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 69, 1st Session, 19th Parliament (Toronto: T. E. Bowman, 1935), p. 5.

<sup>7</sup>*Ibid.*, pp. 17-18.

<sup>8</sup>See: *Ibid.*, pp. 41, 47, 60, 63, 132; and *idem*, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 71, 3rd Session, 19th Parliament (Toronto: T. E. Bowman, 1937), pp. 42, 46, 67, 137, 139, 219.

<sup>9</sup>*Idem*, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 71, 3rd Session, 19th Parliament, pp. 63, 74, 113, 129, 132, 220.

<sup>10</sup>*Idem*, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 69, 1st Session, 19th Parliament, pp. 133-134.

<sup>11</sup>*Ibid.*, p. 134. See also: Neil McKenty, *Mitch Hepburn* (Toronto: McClelland and Stewart, 1967), pp. 64-65.

<sup>12</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 72, 1st Session, 20th Parliament (Toronto: T. E. Bowman, 1938), p. 5; and Province of Ontario, Elections Ontario, *Electoral History of Ontario*, p. 225.

<sup>13</sup>*Legislators and Legislatures of Ontario*, vol. 1: 1792-1866, comp. Debra Forman (Toronto: Legislative Library, Research and Information Services, 1985), p. xxxvi.

<sup>14</sup>*Ibid.*

<sup>15</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 75, 6th Session, 20th Parliament (Toronto: T. E. Bowman, 1941), pp. 6, 28, 72, 116, 124, 131, 252; and Clifford J. Williams, *Decades of Service: A History of the Ontario Ministry of Community and Social Services, 1930-1980* (Toronto: The Ministry, 1984), p. 45.

<sup>16</sup>Forman, *Legislators and Legislatures*, vol. 1: 1867-1984, pp. xxxvi, xxxvii; and McKenty, *Mitch Hepburn*, p. 235.

<sup>17</sup>See: W. S. MacDonnell, "The Model Farm of Norman Hipel," *Forest and Outdoors*, 48 (March 1952): 10-11.



*James Howard Clark*



**James Howard Clark**  
**1939-1943**  
*Portrait by J. Ernest Sampson*



## **JAMES HOWARD CLARK**

James Howard Clark was born in Ingersoll, Ontario on 11 May 1888. While the future speaker was still young, the death of his father forced Clark to assume adult responsibilities. Clark refused to let his father's death discourage him and he completed his education at the local high school and ultimately attended Victoria College at the University of Toronto.<sup>1</sup> After successfully petitioning the Law Society to accept his University of Toronto matriculation certificate as adequate qualification for admission as a student of law, he entered Osgoode Hall on 24 May 1914.<sup>2</sup>

The advent of World War I interrupted Clark's legal education. Within a month of the official declaration, he enlisted with the 96th Lake Superior Battalion as a second lieutenant. After his arrival on the European front, the future Speaker saw action with the battalion's machine gun corps at Somme, Vimy, Passchendaele, Canal du Nord, and Valenciennes. By the time General Sir Arthur Currie led a predominately Canadian corps to Mons in early November 1917, Clark had risen to the rank of major.<sup>3</sup>

By 1919, Clark had returned to his legal studies and was granted his first year's examination by the Convocation of the Law Society on the grounds of his military service.<sup>4</sup> After articling under A. L. M. Govern in Port Arthur, Ontario, Clark was called to the Bar on 21 October 1920<sup>5</sup> following which he entered practice with the Windsor firm of F. D. Davis, the city's solicitor. Eventually, he became a partner in McTague, Clark, Springstein and, in 1934, helped to found the firm of Clark and Zeron. This latter association lasted until Clark's death in 1952.<sup>6</sup>

It was as a criminal lawyer that Clark made his mark during the 1930s. Indeed, his skill was such that he was able to win an acquittal on appeal for an individual found guilty of murder and sentenced to death. While many of his criminal cases involved serious charges, Clark also participated in the lighter side of the law. In his early days in Windsor, he successfully defended his two pet Great Danes against a charge of being unlawfully at large.<sup>7</sup> He also distinguished himself in civil litigation. In 1930, Clark travelled to England and successfully argued a case before the Privy Council, then the highest court in the British Empire.<sup>8</sup>

As did many lawyers before him, Clark ultimately turned his attention to provincial politics. In 1929, he secured the Liberal nomination for the constituency of Windsor West but was unable to win the seat. In 1934,

however, his fortunes improved and Clark was elected to the Legislative Assembly of Ontario as the member for the riding of Windsor-Sandwich.<sup>9</sup> In the course of his freshman term, Clark served as a member of several committees including those concerned with Privileges and Elections, Private Bills and Municipal Law.<sup>10</sup> As Chairman of the Public Accounts committee, he attracted attention when he openly criticized his own party over its inclination to augment its treasury with contributions from corporate donors.<sup>11</sup>

Clark was returned to the House in 1937 with a plurality of more than 60 per cent.<sup>12</sup> In addition to his committee responsibilities, the member for Windsor-Sandwich was appointed Deputy Speaker and Chairman of the Committees of the Whole House in the Assembly's second session.<sup>13</sup> When the third session of the 20th parliament opened on 8 March 1939, it was announced that Norman Hipel had resigned the Chair to accept the cabinet position of Minister of Labour.<sup>14</sup> In choosing a new Speaker, the House noted Clark's non-partisan and straight forward approach as Chairman of the Public Accounts Committee and as Deputy Speaker. On 8 March 1939, James Howard Clark was elected to preside over what would become the longest sitting Legislature in the province's history.<sup>15</sup>

Several bills passed during Clark's term in the Chair were directly related to World War II and Ontario's war efforts. During the sixth session, provision was made for the more than 600 British children brought to the province for the duration of hostilities.<sup>16</sup> Furthermore, acts to extend the sittings of the Assembly until the end of the war were twice enacted by the members.<sup>17</sup> The Assembly also considered other matters. In the eighth session, the members enacted legislation to establish the Ontario Cancer Treatment and Research Foundation.<sup>18</sup> An act to prevent discrimination on the basis of race or creed did not fare as well, however, and was defeated at its second reading.<sup>19</sup> Clark did not let his status as Speaker prevent him from participating in the business of the Assembly. Not only did he participate in the debates on occasion but also chaired the Assembly's committee on collective bargaining.<sup>20</sup>

Clark instigated a minor political controversy in June 1943. While still Speaker, he gave an address in Detroit in which he declared that 40 to 45 per cent of the Canadian population would "vote for annexation to the United States because there are better living conditions there."<sup>21</sup> This statement, and one which "pointed to Canada as a rather substandard country,"<sup>22</sup> enraged the people, the press and members of parliament. One newspaper



editorial submitted that Clark's unanimous renomination for the provincial election only a few days after the uproar showed "that Windsor understands that Jim is liable to say foolish things." The article questioned the motivation behind Clark's remarks and suggested "that the present members of the Liberal Government of Ontario think more of their partisans than they do of the good name of their country."<sup>23</sup> Perhaps as a result of his injudicious remarks, Clark was defeated in the August 1943 provincial general election, receiving only 22 per cent of the votes cast in his riding.<sup>24</sup>

After this defeat, James Howard Clark returned to private life and his legal practice. The former Speaker of the Legislative Assembly of Ontario died in Windsor, Ontario in August 1952.

### Notes

<sup>1</sup>"Major Jim Clark dies at age of 64," *Windsor Star*, 25 August 1952; and Kathleen Finlay, *Speakers of the Legislative Assembly of Ontario, 1867-1984* (Toronto: Legislative Library, Research and Information Services, 1985), p. 82.

<sup>2</sup>See: Minutes of Convocation, Law Society of Upper Canada, vol. 15, p. 43, Law Society of Upper Canada Archives, Osgoode Hall.

<sup>3</sup>"Major Jim Clark dies at age 64," *Windsor Star*, 25 August 1952; and Finlay, *Speakers of the Legislative Assembly*, p. 82.

<sup>4</sup>See: Minutes of Convocation, Law Society of Upper Canada, vol. 16, p. 110, Law Society of Upper Canada Archives, Osgoode Hall.

<sup>5</sup>"James Howard Clark," Record #999, Ontario Bar Biographical Research Project, Law Society of Upper Canada Archives, Osgoode Hall.

<sup>6</sup>*Ibid.*

<sup>7</sup>"Major Jim Clark dies at age of 64," *Windsor Star*, 25 August 1952.

<sup>8</sup>Finlay, *Speakers of the Legislative Assembly*, p. 82.



<sup>9</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario, 1867-1982: Candidates and Results with Statistics from the Records*, comp. Office of the Chief Election Officer (Toronto: Office of the Chief Election Officer, 1985), p. 86.

<sup>10</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 69, 1st Session, 19th Parliament (Toronto: T. E. Bowman, 1935), pp. 22-25.

<sup>11</sup>Finlay, *Speakers of the Legislative Assembly*, p. 83.

<sup>12</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario*, p. 86.

<sup>13</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 72, 2nd Session, 20th Parliament (Toronto: T. E. Bowman, 1938), p. 18.

<sup>14</sup>Idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 73, 3rd Session, 20th Parliament (Toronto: T. E. Bowman, 1939), p. 7.

<sup>15</sup>Ibid., p. 8; and Finlay, *Speakers of the Legislative Assembly*, p. 83.

<sup>16</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 75, 6th Session, 20th Parliament (Toronto: T. E. Bowman, 1941), pp. 6, 28, 72, 116, 124, 131, 252.

<sup>17</sup>Idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 76, 7th Session, 20th Parliament (Toronto: T. E. Bowman, 1942), pp. 62, 80, 100, 103, 120; and idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 77, 8th Session, 20th Parliament (Toronto: T. E. Bowman, 1943), pp. 175, 198, 210, 225, 228.

<sup>18</sup>Idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 77, 8th Session, 20th Parliament, pp. 141, 171, 210, 211, 228.

<sup>19</sup>Ibid., pp. 60, 87.

<sup>20</sup>Finlay, *Speakers of the Legislative Assembly*, p. 83.

<sup>21</sup>"Forty-five per cent Clark," *Ottawa Journal*, 30 June 1943.

<sup>22</sup>"Is this the issue?" *Globe and Mail*, 15 June 1943.

<sup>23</sup>"Forty-five per cent Clark," *Ottawa Journal*, 30 June 1943.

<sup>24</sup>Province of Ontario, Elections Ontario, *Electoral History of the Province of Ontario*, p. 86.

*William James Stewart*



**William James Stewart**  
**1944-1947**

*Portrait by Archibald Barnes*



## WILLIAM JAMES STEWART

Several Speakers including Richard William Scott, Norman Otto Hipel and Allan Edward Reuter, voluntarily left the Chair due to declining health or to pursue cabinet portfolios. The case of William James Stewart, however, offers a somewhat different perspective on this issue. Stewart, an established politician with several years of experience at the municipal and provincial levels, stunned the Assembly when he resigned the Chair on 21 March 1947 after ideological conflict between the Speaker and the Premier reached an intolerable level.

Stewart was born in a house on Manning Avenue, Toronto on 13 February 1889. The future Speaker entered the workforce at an early age as an office boy in the Cleveland Bicycle Shop on Queen Street. Although not formally educated save for evening courses at Shaw Business School, Stewart ultimately became President of Bates and Dodds Funeral Directors.<sup>1</sup>

In 1924, Stewart stepped onto the municipal stage when he was elected Alderman for Toronto's Ward 5. He held this seat on City Council until 1931 when he became Mayor of Toronto.<sup>2</sup> Throughout his four terms in the mayor's office -- all of which were won by substantial majorities -- Stewart became known for his business-like approach to politics. Acting on his view that the city was a corporation and its people its principal shareholders, Mayor Stewart strove to see his "shareholders" through the difficult years of the Depression and instigated social programs. Perhaps the most practical of these were depots from which the city's poor could obtain food, fuel or a place to sleep six days of the week.<sup>3</sup>

To add to his growing reputation as the "expensive" mayor, Stewart was the first mayor in the city's history to use regular Sunday morning radio broadcasts to keep the inhabitants of Toronto aware of and informed on the issues of the day. His interests also extended to the city's historical heritage. Not only did Stewart himself pen a chronicle of the city for its centennial celebrations,<sup>4</sup> he was the driving force behind the restoration of Fort York. Although some objected to the cost of such an exercise, restorations were made to the grounds and the buildings and, on 24 May 1934, the Fort was officially re-opened by the Governor-General.<sup>5</sup> While Stewart was by all accounts a popular and successful mayor, he did not seek re-election in 1935.

Following the trail cut by other municipal politicians throughout the province, the former Toronto mayor attempted the transition from municipal

to provincial politics. In 1936 he unsuccessfully ran for the leadership of the Ontario Conservatives.<sup>6</sup> His third place finish in this contest failed to diminish his determination, however, and Stewart campaigned as the Tory candidate in a 1938 by-election for the Toronto riding of Parkdale. He received almost 70 per cent of the votes cast in the by-election.<sup>7</sup>

In 1943, Stewart and a Conservative minority government were returned to the Assembly. Premier George Drew's choice for Speaker may have surprised those in the Conservative party, most of all the individual who was to be given the honour of presiding over the Chamber. It was widely known that Stewart was a member of a group within the party's caucus that opposed Drew and his policies. Nicknamed "the Little Scorpions Club," it seemed unlikely Drew would choose one of its members for the Speakership.<sup>8</sup> As the history of the Speakership shows, however, appointment to the Chair has often been used by the Premier to silence his most popular and vocal opponents, regardless of political persuasion. Thus, on 22 February 1944, William Stewart was elected to preside over the 21st parliament of the province of Ontario.<sup>9</sup>

Stewart's initial tenure as Speaker lasted little more than a year. In 1945, the province was once more sent to the polls. The member for Parkdale was returned to the Assembly and also to the office of Speaker when the House convened in Toronto on 16 July.<sup>10</sup> Although he presided over the 22nd parliament for fewer than two years, several issues were brought before the House, including those of the sale of liquor in the province and the licensing of public halls.

It was also during this time that, in his capacity as Speaker, Stewart chaired the Select Committee on the Rules of the Legislative Assembly in 1946 and 1947. The Committee was charged with examining the Standing Orders and making recommendations as to possible revisions. Its report, filed during the 1947 session, contained several recommendations for additions and revisions to the Standing Orders as they did not "purport to cover all contingencies that may arise [in the Assembly], but on the contrary are designed to govern events that constantly occur."<sup>11</sup> One of the most important issues raised by the Committee concerned the Speaker's status during a parliamentary hiatus. Noting that "doubt has been expressed as to the authority of the speaker to function as such during the recesses of the Assembly" and that no provision for this contingency was contained in the act which governed the Assembly, the Committee recommended that



consideration be given to amending *The Legislative Assembly Act* in order to make it clear that the Speaker functions as such during recesses of the Assembly and also to provide that the Speaker at the time of dissolution of a Legislature shall continue to function as such in so far as the internal administration of his office is concerned until a new Speaker is elected.<sup>12</sup>

This recommendation was the first step in a movement to establish a more authoritative and independent Speakership, one that would spawn the Camp Commission in 1974 and ultimately see the reinstatement of elections for the Chair in 1990.

While the Committee's recommendations would have a great effect on the future of the office of the Speaker, the temperance issue presented Stewart with a more immediate problem. Long an opponent of Drew and his "wet" policies, the Speaker Stewart and the Premier had clashed on this issue on more than one occasion. Indeed, Stewart had threatened to resign the Chair during a disagreement with the Liquor Control Board over the granting of beer licences. While this ideological disagreement could not alone remove Stewart from the Speakership, it helped to produce his sudden and somewhat drastic reaction to the events of 21 March 1947. On this date, George Doucette, Drew's Minister of Highways, challenged Stewart over the inconsequential matter of guest seating in the Speaker's Gallery. Suggesting the dramatic events to come, Stewart stated in response that "once a Speaker is held to ridicule by a cabinet minister, he could not possibly command the respect of the House."<sup>13</sup> With this, the Speaker removed his tricorn hat, placed it on the Chair and stepped down from the dias. He did not return.

Stewart's resignation was not readily accepted by the opposition. On 24 March, Farquahar Oliver, leader of the Liberal Party, raised the point of order that "as the Speaker had been elected by vote of this House his resignation should be dealt with by Resolution of the House."<sup>14</sup> Although the Clerk of the House ruled that such a resolution was not required, Oliver kept up the attack. In response, he moved that

this House declines to accept the resignation  
of the Honourable William James Stewart,  
. . . as Speaker of the Legislature, and



expresses its confidence in his ability and impartiality at all times."<sup>15</sup>

This second attempt at restoring Stewart to the Speakership was also ruled out of order by the Clerk of the House. After a challenge to the ruling was defeated, James de Congalton Hepburn was nominated for the Chair by Premier Drew. In what was obviously becoming a futile effort, Oliver moved an amendment to the nomination stating that Stewart was the Speaker and, therefore, Hepburn could not be nominated. It was only after Stewart stated that he "had no desire to promote controversy and . . . was not competing [for the Chair]" that the issue was finally resolved.<sup>16</sup>

Stewart lost his seat in the 1948 provincial general election but was re-elected to the House as the member for Parkdale in 1951 and 1955.<sup>17</sup> Before his defeat at the polls in 1959, he was named Conservative party whip. In 1960, he was named to the Ontario Parole Board but resigned the position after a few months, finding his duties too strenuous. Fittingly, the former Toronto mayor who had been active in restoring an important piece of the city's heritage was appointed Chairman of the Toronto Historical Board in 1961. He held this appointment until his death in Toronto on 28 September 1969.<sup>18</sup>

## Notes

<sup>1</sup>"William James Stewart," File #43, Biographical Files (Mayors), City of Toronto Archives, City Hall; and Kathleen Finlay, *Speakers of the Legislative Assembly of Ontario, 1867-1984* (Toronto: Legislative Library, Research and Information Services, 1984), p. 97.

<sup>2</sup>"William James Stewart," File #43, Biographical Files (Mayors), City of Toronto Archives, City Hall; "A fourth mayoralty term," *Globe*, January 1934; and Finlay, *Speakers of the Legislative Assembly*, p. 97.

<sup>3</sup>Donald Jones, "'Expensive' mayor who saved Fort York," *Toronto Star*, 1980, File #43, Biographical Files (Mayors), City of Toronto Archives, City Hall; and Finlay, *Speakers of the Legislative Assembly*, p. 97.

<sup>4</sup>See: William J. Stewart, *From Wigwam to Skyscraper*, 1934, File #43, Biographical Files (Mayors), City of Toronto Archives, City Hall.

<sup>5</sup>"Stepping through the old fort gates and 1 1/2 centuries of history," *Toronto Year Book*, 1933, City of Toronto Archives, City Hall; and Ernest J. Hathaway, *The Story of the Old Fort at Toronto* (Toronto: Macmillan, 1934), pp. 33-34.

<sup>6</sup>Finlay, *Speakers of the Legislative Assembly*, p. 97.

<sup>7</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario, 1867-1982: Candidates and Results with Statistics from the Records*, comp. Office of the Chief Election Officer (Toronto: Office of the Chief Election Officer, 1985), p. 482.

<sup>8</sup>Jones, "'Expensive' mayor who saved Fort York," *Toronto Star*, 1980, File #43, Biographical Files (Mayors), City of Toronto Archives, City Hall; and Neil McKenty, *Mitch Hepburn* (Toronto: McClelland and Stewart, 1967), p. 222.

<sup>9</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 78, 1st Session, 21st Parliament (Toronto: T. E. Bowman, 1944), p. 5; and Finlay, *Speakers of the Legislative Assembly*, p. 98.

<sup>10</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario*, p. 482; and Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 80, 1st Session, 22nd Parliament (Toronto: T. E. Bowman, 1946), p. 5.

<sup>11</sup>Province of Ontario, Select Committee Appointed to Inquire into the Revision of the Rules of the Legislative Assembly, *Report of the Select Committee Appointed to Inquire into the Revision of the Rules of the Legislative Assembly in Journals of the Legislative Assembly of the Province of Ontario*, vol. 81, 3rd Session, 22nd Parliament (Toronto: Baptist Johnson, 1947), pp. 25-46.

<sup>12</sup>*Ibid.*, p. 28.

<sup>13</sup>*Globe and Mail*, 25 March 1947.

<sup>14</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 81, 3rd Session, 22nd Parliament, p. 99.

<sup>15</sup>Ibid.

<sup>16</sup>Ibid., pp. 100-101.

<sup>17</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario*, p. 482.

<sup>18</sup>Corporation of the City of Toronto, *Minutes of the Council of the Corporation of the City of Toronto, 1969* (Toronto: Carswell, 1970), pp. 221-222; Jones, "'Expensive' mayor who saved Fort York," *Toronto Star*, 1980, Biographical Files (Mayors), City of Toronto Archives, City Hall; and Finlay, *Speakers of the Legislative Assembly*, p. 99.



*James de Congalton Hepburn*



**James de Congalton Hepburn**  
**1947-1948**

*Portrait by Kenneth Saltmarche*

## **JAMES de CONGALTON HEPBURN**

James de Congalton Hepburn began his legislative career in his sixtieth year with only three years administrative experience in civic administration. In spite of what may have been seen as political inexperience, however, Hepburn forged a legislative career that included a term as Speaker of the Legislative Assembly.

Hepburn was born on 23 April 1878 in Picton, Ontario.<sup>1</sup> His father, A. W. Hepburn, owned and operated the Bay of Quinte and St. Lawrence Steamboat Company, which he turned into the second largest transportation fleet on the Great Lakes. During the 1870s and 1880s, the Picton area became a hub of commercial activity as the demand for Canadian barley grew in the United States. The Hepburn fleet operated out of Picton Harbour and, in its heyday, consisted of 12 vessels. After graduating from Trinity College School in Port Hope, the younger Hepburn joined his father's enterprise.<sup>2</sup> The fleet was sold to the Canada Steamship Lines shortly before the First World War.

There is little documentation of Hepburn's activities between the First World War and his entry into provincial politics in 1937. During this period, the Hepburn family continued to operate the Bay of Quinte Transportation Company, and James was an integral part of this venture. Hepburn had also served as Reeve of Picton for three years before the outbreak of war in 1914. Nonetheless, it seems that much of his time and energy during this period was devoted to his family and his business rather than to political or administrative matters. For reasons that are not clear, Hepburn decided to run as the Conservative candidate for the riding of Prince Edward-Lennox in the provincial general election of 1937. He won the contest with a majority of just over 50 per cent.<sup>3</sup>

When the province's 20th Legislature convened in Toronto on 1 December 1937, Hepburn -- who was no relation to the Liberal Premier Mitchell Hepburn either by blood or by partisanship -- was sworn in as the member for Prince Edward-Lennox.<sup>4</sup> He was returned to the House in the two subsequent general elections in 1943 and 1945, each time with progressively larger margins of support.<sup>5</sup> However, when he returned for his third term, it was unlikely that Hepburn had any idea of the important role he would soon play in the daily business of the House.

On 24 March 1947, Speaker William Stewart abruptly resigned the Chair. An on-going conflict with George Drew over the government's liquor



policies had pushed Stewart, a long-time supporter of the temperance movement, to the limit of his tolerance. Indeed, Stewart had once threatened to resign during a row with the Liquor Control Board over the granting of beer licences. The Speaker's limits were exceeded on 21 March when George Doucett, the Minister of Highways, challenged Stewart over the trivial matter of available guest seating in the Speaker's Gallery. Declaring that respect for the office of Speaker had been compromised by Doucett's attack, Stewart removed his tricorne hat, placed it on the Chair and stepped down from the dais. He did not return.<sup>6</sup>

Stewart's resignation was not as easily accepted by the Liberal opposition as it was by the Premier. Farquar Oliver, leader of the Liberals, rose to submit a motion that the House not accept Stewart's departure. Ruled out of order by the Clerk of the House as a violation of established procedure, Oliver's motion was forcibly withdrawn. It was amidst this fracas that James de Congalton Hepburn was elected Speaker of the Legislative Assembly.<sup>7</sup>

During the session-and-a-half that Hepburn held the Chair, the turbulence which had marked his election and the preceding sessions continued. On numerous occasions, Hepburn was asked to rule on points of order and on the application of the rules of the House.<sup>8</sup> Several other important issues also occupied the attention of the members during Hepburn's Speakership. On two separate occasions, motions to appoint committees to consider legislation to fight racial discrimination in the province and to establish a rent control board were brought forward but were ultimately withdrawn.<sup>9</sup>

Despite the brief period of his tenure, Hepburn made a significant contribution to the procedure of the Legislative Assembly. On 15 March 1948, the order for a second reading of *An Act to amend the Election Act* was made. Following the order, the member responsible for the legislation drew Speaker Hepburn's attention to Rule 31 of the House which stated

All items standing on the Orders-of-the-Day shall be taken up according to the precedence assigned to each on the Order Book, the right being reserved to the administration of taking up Government Orders, in such rotation as they see fit, on the days on which Government Bills have precedence [Tuesdays and Thursdays].



The member claimed that "he could not be called on to discuss this bill until those preceeding it on the orders [paper] had been considered."<sup>10</sup> Speaker Hepburn responded that

While it is true that Rule 31 as at present in the rule book provides that Orders of the Day shall be taken up according to precedence on the Order Paper, it has been a custom which has obtained in the Legislature of Ontario for very many years to allow the Leader of the House the privilege of indicating what Orders shall be considered at any particular stage of proceedings. This custom has met with the consent of the House for so many years past that it has become an acknowledged method of dealing with the Orders. The object of this custom has been to facilitate the business of the House.

In my opinion the custom which has been approved by the House during the lifetime of several Governments in the past obtains the authority of a rule of the Assembly.<sup>11</sup>

In making such a decision, Hepburn "defined a custom of the Ontario Legislative Assembly, which superseded the written rule of the House."<sup>12</sup>

Like many of his predecessors in the Chair, Hepburn was not returned to the House following his short term as Speaker. With his defeat in the general election of 1948, he chose to return to private life and retired to his home in Picton, Ontario. It was there that Hepburn died on 24 December 1955.

### Notes

<sup>1</sup>Kathleen Finlay, *Speakers of the Legislative Assembly of Ontario, 1867-1984* (Toronto: Legislative Library, Research and Information Services, 1985), p. 100.

<sup>2</sup>See: Richard and Janet Lunn, *The County: The First Hundred Years in Loyalist Prince Edward* (Picton, Ont.: The Picton Gazette Publishing Co., 1967), pp. 309, 336; Alan R. Capon, "Picton," *Community Spotlight: Leeds, Frontenac, Lennox and Addington and Prince Edward Counties*, ed. Nick and Helma Mika (Belleville, Ont.: Mika Publishing, 1974), p. 232; and Picton Centennial Committee, *Picton's 100 Years, 1837-1937: A Historical Record of Achievement*, Official Souvenir Book of Prince Edward County's Old Boys' Reunion (Picton, Ont.: The Picton Gazette Publishing Co., June 1937), pp. 18, 53, 59, 60, 61, 64.

<sup>3</sup>Province of Ontario, Elections Ontario, *Electoral History of the Province of Ontario, 1867-1982: Candidates and Results with Statistics from the Records*, comp. Office of the Chief Election Officer (Toronto: Office of the Chief Election Officer, 1985), p. 220; and Finlay, *Speakers of the Legislative Assembly*, p. 100.

<sup>4</sup>*Legislators and Legislatures of Ontario*, vol. 3: 1930-1984, comp. Debra Forman (Toronto: Legislative Library, Research and Information Services, 1985), p. 45.

<sup>5</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario*, p. 220.

<sup>6</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 81, 3rd Session, 22nd Parliament (Toronto: Baptist Johnson, 1947), p. 89; *Globe and Mail*, 25 March 1947; and Finlay, *Speakers of the Legislative Assembly*, pp. 98-99.

<sup>7</sup>See: Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 81, 3rd Session, 22nd Parliament, pp. 99-101; and *Globe and Mail*, 25 March 1947.

<sup>8</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 82, 4th Session, 22nd Parliament (Toronto: Baptist Johnson, 1948), pp. 31, 41-43, 47, 48, 124.

<sup>9</sup>Idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 81, 3rd Session, 22nd Parliament, pp. 227, 228.

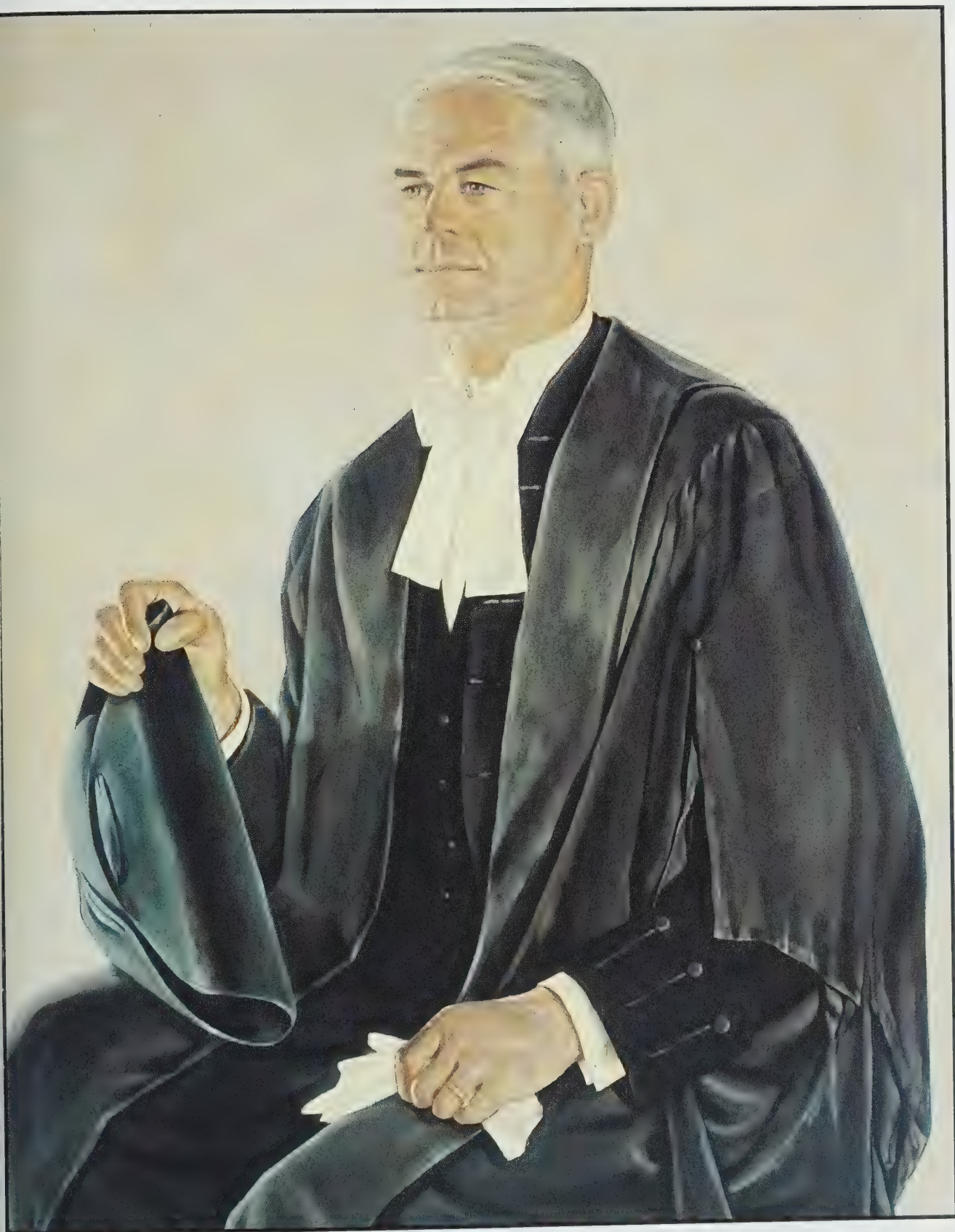
<sup>10</sup>F. F. Schindeler, *Responsible Government in Ontario* (Toronto: University of Toronto Press, 1969; reprint, 1973), pp. 143-144.

<sup>11</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 82, 4th Session, 22nd Parliament, pp. 47-48. See also: Alex C. Lewis, *Parliamentary Procedure in Ontario* (Toronto: King's Printer, 1948), pp. 207-208; and Schindeler, *Responsible Government in Ontario*, p. 144.

<sup>12</sup>Schindeler, *Responsible Government in Ontario*, pp. 131-132.



*Myrddyn Cooke Davies*



**Myrddyn Cooke Davies**  
**1949-55**

*Portrait by Kenneth Saltmarche*

## MYRDDYN COOKE DAVIES

The son of an Anglican clergyman, Myrddyn Cooke Davies was born in Aberavon, South Wales, on 26 May 1897. He received his early education in his native land and later travelled to the United States to study at Alma College in Michigan. In World War I, he served as a Regimental Quartermaster Sergeant in the United States Army from 1918 to 1919. Upon graduation from Alma College with an arts degree in 1921, Davies followed his father's steps and was ordained as an Anglican priest.<sup>1</sup>

In the years between his ordination and his entrance into provincial politics, Davies devoted himself to clerical matters. Serving first as curate at St. James' in Stratford, he was appointed priest-in-charge of St. George's Mission at Walkerville in 1922. When the young clergyman arrived at St. George's, it was a small mission outpost with a few active families. Over the next 40 years, it would become a self-supporting parish under "Father Dave's" leadership.<sup>2</sup>

During the Second World War, Davies served a different type of parish. From 1936 until 1939, he acted as chaplain to the Essex Regiment and later to the Windsor Garrison. The latter years of the war saw him as chaplain in the Royal Canadian Air Force and, between 1942 and 1944, as deputy director of Chaplaincy Services.<sup>3</sup>

Upon his return from Europe Father Davies turned his attention to politics. In 1945, an alliance between Edward B. Jolliffe's Co-operative Commonwealth Federation (CCF)<sup>4</sup> and Mitch Hepburn's Liberal forces brought down the Conservative majority government of George Drew. A provincial general election was called for that summer. In the days following the government's fall, Davies secured the Conservative nomination for the riding of Windsor-Walkerville. A split in the vote for the CCF and the Liberal candidates allowed the clergyman to win the seat although he garnered only 40 per cent of the votes cast.<sup>5</sup>

Davies was returned to the House in 1948.<sup>6</sup> At the opening of the Legislature on 10 February 1949, the member for Windsor-Walkerville was elected to the office of Speaker.<sup>7</sup> In the course of the 23rd parliament, a wide variety of issues came before the members. Legislation to establish the Alcoholism Research Foundation (now the Addiction Research Foundation) was passed in the initial session,<sup>8</sup> and bills to promote fair employment



practices and to ensure fair remuneration to female employees were enacted during the 1951 session.<sup>9</sup>

The member for Windsor-Walkerville was returned to the Assembly and to the Speaker's Chair in 1952.<sup>10</sup> During Davies second term in the Chair a large number of acts were passed, including one to protect archaeological and historic sites in the province.<sup>11</sup> The issue which sparked the most debate during this period was the creation of the municipality of Metropolitan Toronto. An act to provide for this financial and political federation was introduced early in the House's third session and debated frequently and earnestly during the sitting. By the conclusion of the 1953 session, this bill had been passed and the way paved for the municipal federation to be established.<sup>12</sup> Having served as Speaker for nine sessions, Davies stepped down from the Chair upon the dissolution of the province's 24th parliament. The member for Windsor-Walkerville had been only the second man to preside over the Chamber for two full, consecutive Assemblies since the late nineteenth-century.<sup>13</sup>

The Anglican clergyman was re-elected for his fourth and final term in 1955.<sup>14</sup> After retiring from political life in 1959, Davies resumed his work at St. George's. In this same year, he was appointed Archdeacon of Essex and received a Doctor of Divinity degree (*honoris causa*) from Huron College in London, Ontario. The former Speaker retired as rector of St. George's in 1963, but retained his title of rector emeritus until his death on 30 December 1970 in Windsor, Ontario.<sup>15</sup>

## Notes

<sup>1</sup>"Ven. Myrddyn Cooke Davies," *Crockford's Clerical Directory, 1967-1968*, Anglican Church of Canada Archives; Bishop Queen, "A parish priest with a wide variety of talents," *Huron Church News*, May 1970, Anglican Church of Canada Archives; and Kathleen Finlay, *Speakers of the Legislative Assembly of Ontario, 1867-1984* (Toronto: Legislative Library, Research and Information Services, 1984), p. 102.

<sup>2</sup>Queen, "A parish priest with a wide variety of talents," *Huron Church News*, May 1970, Anglican Church of Canada Archives.

<sup>3</sup>Ibid.



<sup>4</sup>After holding a founding convention in 1961, the Co-operative Commonwealth Federation became the New Democratic Party.

<sup>5</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario, 1867-1982: Candidates and Results with Statistics from the Records*, comp. Office of the Chief Election Officer (Toronto: Office of the Chief Election Officer, 1985), p. 117; and Ian MacPherson, "The 1945 Collapse of the C. C. F. in Windsor," *Ontario History* 61 (December 1969): 209-210.

<sup>6</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario*, p. 117.

<sup>7</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 83, 1st Session, 23rd Parliament (Toronto: Baptist Johnson, 1949), p. 5.

<sup>8</sup>*Ibid.*, pp. 153, 172, 179, 192, 197.

<sup>9</sup>*Idem*, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 85, 3rd Session, 23rd Legislature (Toronto: Baptist Johnson, 1951), pp. 6, 57, 165, 170, 171, 173, 174, 175, 209, 212, 254, 255, 267, 269, 270, 274.

<sup>10</sup>*Idem*, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 86, 1st Session, 24th Parliament (Toronto: Baptist Johnson, 1952), p. 5.

<sup>11</sup>*Idem*, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 87, 3rd Session, 24th Parliament (Toronto: Baptist Johnson, 1953), pp. 22, 26, 31, 53, 58, 163.

<sup>12</sup>*Ibid.*, pp. 31, 40, 46, 50, 56, 59, 64, 73, 77, 87, 91, 95, 99, 108, 110, 116, 129, 146, 148, 151, 154, 163.

<sup>13</sup>Graham White, *The Ontario Legislature: A Political Analysis* (Toronto: University of Toronto Press, 1987), p. 55.

<sup>14</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario*, p. 117.

<sup>15</sup>"Ven. Myrddyn Cooke Davies," Clerical Obituaries, *Canadian Churchman*, February 1971; Queen, "A parish priest with a wide variety of talents,"

*Huron Church News*, May 1970, Anglican Church of Canada Archives; and Finlay, *Speakers of the Legislative Assembly*, p. 103.

*Alfred Wallace Downer*



**Alfred Wallace Downer**  
**1955-1959**  
*Portrait by Kenneth Forbes*



## **ALFRED WALLACE DOWNER**

Alfred Wallace Downer was born on 1 May 1904 at Lefaive's Corners, Ontario near Penetanguishine. The son of devout Anglican parents, he attended Cookstown Continuation School and Alliston High School. Sure of his religious vocation from an early age, Downer prepared for a career as a clergyman by later attending the University of Toronto and Wycliffe College. He graduated in 1930 and was ordained as a minister of the Anglican Church.<sup>1</sup>

From the time of his ordination, Downer devoted his energy to the spiritual well-being of his parishioners. His first religious appointment was as curate of the parish of Erin and Cataract; he later served as rector of the Church of the Epiphany in rural Scarborough until 1935.<sup>2</sup> While pursuing his spiritual interests, Downer was also concerned with temporal matters during this period. In 1929, he unsuccessfully campaigned in the provincial general election as the Conservative candidate for the riding of Wellington Northeast.<sup>3</sup> Moving to Duntroon, Ontario to serve as the vicar for that parish in 1935 did not dull the clergyman's interest in politics. The general election of 1937 saw Downer contest and win the constituency of Dufferin-Simcoe, becoming one of only 23 Conservatives to be returned to the House.<sup>4</sup>

Downer interrupted his legislative career in 1941 to serve as chaplain with the Queen's York Rangers who were stationed in North Africa and Italy during the next four years. Although Captain Downer was overseas during the provincial election of 1943, his wife campaigned in his place and managed to hold the seat with a plurality of 53 per cent.<sup>5</sup> In this same election, the voters of Ontario did not give any one political party a clear majority and Premier Drew managed to put together a minority government allying with the Liberals. The 34 CCF and 15 Liberals created a fractious House. To buttress this minority situation, Conservative leader George Drew asked the reluctant Downer to forgo the European battlefield for the legislative battlefield. A loyal party man, Downer returned to the Assembly and re-joined the Tory backbenches.<sup>6</sup>

Downer was returned to the House in each of the three subsequent elections in 1945, 1948 and 1951. During this period, he served on several of the Assembly's Standing Committees, including those concerned with Education, Labour and Public Accounts.<sup>7</sup> In 1952, he was elected chairman of the Committees of the Whole House.<sup>8</sup> When he was returned to the House in

1955, however, the member for Dufferin-Simcoe acquired a more significant responsibility. A substantial Conservative majority allowed Premier Frost to nominate one of his backbenchers for the Speakership. Thus, on 8 September 1955 the Reverend Downer was named to the Chair.<sup>9</sup>

Although Downer only held the office of Speaker for a single term, he presided over a Chamber that dealt with issues ranging from the arts to social justice. For example, during the Assembly's fourth session, an act to provide for the incorporation of the Stratford Shakespearean Festival Foundation of Canada was introduced and passed.<sup>10</sup> *An Act to establish the Ontario Anti-discrimination Commission* was put forward in the Assembly on 12 March 1958 and was promptly ratified by the members. An anti-discriminatory educational programme was outlined in the following session.<sup>11</sup> A motion to establish a government fund in aid of impoverished students who desired to "continue their education beyond secondary school" was passed in 1957. Although such a system was forecast in the 1958 throne speech, no such legislation was introduced in the House in the course of this parliament.<sup>12</sup> It was also during Downer's Speakership that the act to incorporate Toronto's York University was enacted by the Legislature.<sup>13</sup>

Upon his re-election in 1959, Downer returned to the government backbenches. In the following year, he was appointed as a Commissioner on the Liquor Control Board. He held this appointment for more than 16 years and, during this time, devoted special attention to the prevention of alcoholism.<sup>14</sup> The Anglican clergy man was one of seven men nominated for the leadership of Ontario's Conservative party in 1961. Although not considered a "leading candidate," Downer was not eliminated from the contest until the third ballot.<sup>15</sup> After the Toronto convention, the Conservative legacy passed to the new leader, John P. Robarts. As a consequence, the ideological distance between Downer -- a member of the party's old guard -- and the new progressional element grew during the late 1960s and early 1970s.

Alfred Wallace Downer retired from provincial politics after he was unable to secure the Conservative nomination for Dufferin-Simcoe in 1975.<sup>16</sup> The former Speaker now resides in Collingwood, Ontario.



## Notes

<sup>1</sup>Stanley Westall, "How big is Downer's congregation?" *The Globe and Mail*, 26 September 1961; Scott Carmichael, "Premier Davis praises Downer," *The Collingwood Enterprise-Bulletin*, 30 June 1976; and Kathleen Finlay, *Speakers of the Legislative Assembly of Ontario 1867-1984* (Toronto: Legislative Library, Research and Information Services, 1985), p. 104.

<sup>2</sup>Westall, "How big is Downer's congregation?" *Globe and Mail*, 26 September 1961; and Finlay, *Speakers of the Legislative Assembly*, p. 104.

<sup>3</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario 1867-1982: Candidates and Results with Statistics from the Records*, comp. Office of the Chief Election Officer (Toronto: Office of the Chief Election Officer, 1985), p. 134.

<sup>4</sup>*Ibid.*; *Legislators and Legislatures of Ontario*, vol. 3: 1930-1984, comp. Debra Forman (Toronto: Legislative Library, Research and Information Services, 1985), pp. 44-47; and Finlay, *Speakers of the Legislative Assembly*, p. 104.

<sup>5</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario*, p. 134; and Norman Webster, "A rare breed of MPP," *Globe and Mail*, 18 July 1975.

<sup>6</sup>Finlay, *Speakers of the Legislative Assembly*, p. 105.

<sup>7</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 79, 2nd Session, 21st Parliament (Toronto: T. E. Bowman, 1945), pp. 23-25; *idem*, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 83, 1st Session, 23rd Parliament (Toronto: Baptist Johnson, 1949), pp. 26-28; and *idem*, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 84, 2nd Session, 23rd Parliament (Toronto: Baptist Johnson, 1950), pp. 20-22.

<sup>8</sup>*Idem*, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 86, 1st Session, 24th Parliament (Toronto: Baptist Johnson, 1952), p. 31; and *idem*, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 87, 2nd Session, 24th Parliament (Toronto: Baptist Johnson, 1953), p. 4.



<sup>9</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 90, 1st Session, 25th Parliament (Toronto: Baptist Johnson, 1956), p. 5; and Forman, *Legislators and Legislatures of Ontario*, vol. 3: 1930-1984, p. 96.

<sup>10</sup>Idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 92, 4th Session, 25th Parliament (Toronto: Baptist Johnson, 1959), pp. 15, 19, 34, 40, 58, 66, 79, 82, 166.

<sup>11</sup>See: Ibid., pp. 95, 127, 128, 154, 158, 171; and idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 93, 5th Session, 25th Parliament (Toronto: Baptist Johnson, 1959), p. 6.

<sup>12</sup>Idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 91, 3rd Session, 25th Parliament (Toronto: Baptist Johnson, 1957), pp. 13, 132, 144, 145, 146; and idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 92, 4th Session, 25th Parliament, p. 5.

<sup>13</sup>Idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 93, 5th Session, 25th Parliament, pp. 30, 45, 51, 74, 90, 119, 125, 196.

<sup>14</sup>"Legislature Speaker since 1955, Minister named to Liquor Board," *Globe and Mail*, 6 January 1960; and Finlay, *Speakers of the Legislative Assembly*, p. 106.

<sup>15</sup>For details of the 1961 Ontario Conservative Convention, see: A. K. McDougall, *John P. Robarts: His Life and Government*, Ontario Historical Studies Series (Toronto: University of Toronto Press, 1986), pp. 68-72; and *The Canadian Annual Review for 1961*, ed. J. Saywell (Toronto: University of Toronto Press, 1962), pp. 54-56.

<sup>16</sup>"Longest-sitting MPP loses nomination bid," *Globe and Mail*, 26 August 1975; and Donald Grant, "What happened to Wally Downer?" *Globe and Mail*, 30 August 1975.

*William Murdoch*



**William Murdoch**  
**1960-1963**  
*Portrait by Kenneth Forbes*

## **WILLIAM MURDOCH<sup>1</sup>**

William Murdoch was born on 15 June 1904 in Leeds, England. In 1923 he left Britain to work as a harvest hand on the Canadian prairies. Though he had intended to stay in Canada only temporarily, Murdoch moved east after the harvest eventually settling in Harrow, southeast of Windsor, Ontario. There he worked first as a sharecropper on a tobacco farm and later as the proprietor of a poultry farm.<sup>2</sup>

Murdoch became actively involved in the social and political life of this predominantly rural area, and many of the local fraternal and business organizations counted the future Speaker among their membership. In 1927, at the age of 22, Murdoch joined the King Edward Masonic Lodge. Over the years he would serve as the Lodge's Master and as District Deputy Grand Master of the Windsor District Lodge.<sup>3</sup> A charter member of Harrow's Rotary Club, Murdoch also served as President of the village's Public Speaking Club. After Harrow's incorporation as a village in 1930, he served on the local school board and later, during the Depression years, on town council. Murdoch was also church organist at St. Andrew's Anglican Church from 1930 until 1945.<sup>4</sup>

In 1943, Murdoch turned his attention from local to provincial politics. In that year's general election, he campaigned as the Progressive Conservative candidate for the riding of Essex South. The voters of Essex South had not returned a Tory to the Assembly since 1929, and Murdoch's battle was a difficult one. Although he captured only 41.5 per cent of the popular vote, Murdoch defeated his Liberal and CCF opponents to win the seat.<sup>5</sup> Upon his entrance to the House, the novice member was made Tory whip, an important position given that the Conservatives governed with a minority. In the course of the 21st parliament, the member for Essex South distinguished himself by serving on no fewer than six of the Assembly's Standing Committees: Standing Orders, Privileges and Elections, Education, Private Bills, Public Accounts, and Labour.<sup>6</sup>

Murdoch was returned to the Assembly by significantly increased majorities in 1945, 1948, 1951, and 1955.<sup>7</sup> He enhanced his reputation for active participation in the business of the Assembly by serving on at least five Standing Committees during each of these parliaments.<sup>8</sup> During the course of the province's 25th parliament (1955-1959), the member for Essex South successfully lobbied the government to reconsider its plans to give Waterloo College and Queen's University powers to expropriate property for financial



reasons. Arguing that only elected bodies should have powers of expropriation, Murdoch continued his attack until Premier Leslie Frost announced that Attorney General Kelso Roberts would undertake an inquiry into the issue before any legislation was passed.<sup>9</sup> During this period, Murdoch also strongly urged that the government stop providing subsidized housing, stating that while "several years ago such housing projects filled a definite need . . . the situation today is entirely changed."<sup>10</sup>

By 1959, Murdoch was growing restless: his influences among the Conservative members had steadily increased during his 16 years in office and he was ready to move on. He warned Premier Frost that if a promotion were not forthcoming he would resign his seat. An election was imminent and Frost had no desire to lose a steady member of his party. Encouraged by the offer of the Deputy Speakership in the next parliament, Murdoch ran in the June 1959 provincial general election.<sup>11</sup> Despite a greatly decreased margin of support, the member for Essex South was returned to the Assembly.<sup>12</sup>

When the House opened at Queen's Park on 26 January 1960, Murdoch was not appointed Deputy Speaker but rather was nominated for and elected to the Speakership itself, becoming the third member from the Essex County region to hold the Chair since 1939.<sup>13</sup> Although he served only one term as Speaker, he presided over a Chamber that enacted several important pieces of legislation. It was during the 26th parliament that the acts of incorporation for Laurentian University in Sudbury and Trent University in Peterborough were debated and passed.<sup>14</sup> On 9 March 1961, an act to impose a tax on retail sales in the province was introduced by the Chairman of the Treasury Board, James Noble Allan. The House passed the legislation within days.<sup>15</sup>

One of the more interesting pieces of legislation presented to the House during Murdoch's term was that which, by amending the *Representation Act*, proposed the creation of an electoral constituency of Queen's Park. The "electors" of this constituency would be the members of the Legislative Chamber themselves and their "elected" representative, the Speaker of the House. While not passed due to the dissolution of the Legislature, this amendment -- which would have provided for a permanent speakership independent of partisan influence -- foreshadowed the concerns expressed by the Camp Commission over a decade later.<sup>16</sup>

Even though Murdoch was not returned to the provincial Assembly in 1963, he did not withdraw from political life completely.<sup>17</sup> In 1968, he campaigned for a seat on Amherstburg's town council in order "to keep in the swing of things."<sup>18</sup> He remained in municipal politics until 1971 at which time he took a three year sabbatical to pursue other interests. In 1974, he returned to the town council for what would be his final political term. William Murdoch died on 28 April 1984.

### Notes

<sup>1</sup>In the records of the King Edward Lodge, AF & AM in Harrow, Ontario-- of which Murdoch was a member -- his name is listed as James William Murdoch.

<sup>2</sup>"William Murdoch," *The Windsor Star*, 1 June 1945; "Murdoch Speaker; now needs only House approval," *The Windsor Star*, 25 January 1960; and Kathleen Finlay, *Speakers of the Legislative Assembly of Ontario, 1867-1984* (Toronto: Legislative Library, Research and Information Services, 1985), p. 107.

<sup>3</sup>Membership Files, King Edward Lodge #488 (Harrow, Ontario), Grand Lodge of AF & AM (Ontario) Archives, Hamilton; and "Tory sums up vote: 'Bill's alone again'," *The Windsor Star*, 12 June 1959.

<sup>4</sup>"William Murdoch," *The Windsor Star*, 1 June 1945; "Tory sums up vote: 'Bill's alone again'," *The Windsor Star*, 12 June 1959; and Finlay, *Speakers of the Legislative Assembly*, p. 107.

<sup>5</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario 1867-1982: Candidates and Results with Statistics from the Records*, comp. Office of the Chief Election Officer (Toronto: Office of the Chief Election Officer, 1985), p. 371.

<sup>6</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 78, 1st Session, 21st Parliament (Toronto: T. E. Bowman, 1944), pp. 25, 28-29.

<sup>7</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario*, p. 371.

<sup>8</sup>For more details, see: Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 80, 2nd Session, 22nd Parliament (Toronto: T. E. Bowman, 1946), pp. 25-28; idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 83, 1st Session, 23rd Parliament (Toronto: Baptist Johnson, 1949), pp. 26-28; and idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 86, 1st Session, 24th Parliament (Toronto: Baptist Johnson, 1952), pp. 1820.

<sup>9</sup>Don O'Hearn, "Upsets plan for pushing land grab: government whip urges new caution in university bills," *The Windsor Star*, 8 March 1958.

<sup>10</sup>Al Worby, "Wants province to vacate field: Houses go without tenants, MPP tells Essex Kinsmen," *The Windsor Star*, 6 November 1958.

<sup>11</sup>Finlay, *Speakers of the Legislative Assembly*, p. 108.

<sup>12</sup>While his margins of victory had ranged from 52 to 64 percent in the previous four provincial general elections, Murdoch received only 50.8 percent of the votes cast in the riding in 1959.

See: Province of Ontario, Elections Ontario, *Electoral History of Ontario*, p. 371.

<sup>13</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 94, 1st Session, 26th Parliament (Toronto: The Queen's Printer, 1960), p. 5; and "A County of Speakers, Murdoch third for area since 1939," *The Windsor Star*, 27 January 1960.

<sup>14</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 94, 1st Session, 26th Parliament, pp. 53, 101, 109, 127, 128; and idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 97, 4th Session, 26th Parliament (Toronto: Legislative Assembly, 1963), pp. 75, 91, 87, 110, 114, 159.

<sup>15</sup>Idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 95, 2nd Session, 26th Parliament (Toronto: Frank Fogg, 1961), pp. 122, 132, 137, 159, 166.

<sup>16</sup>Ted Douglas, "British system believed suited to Legislature," *Toronto Star*,

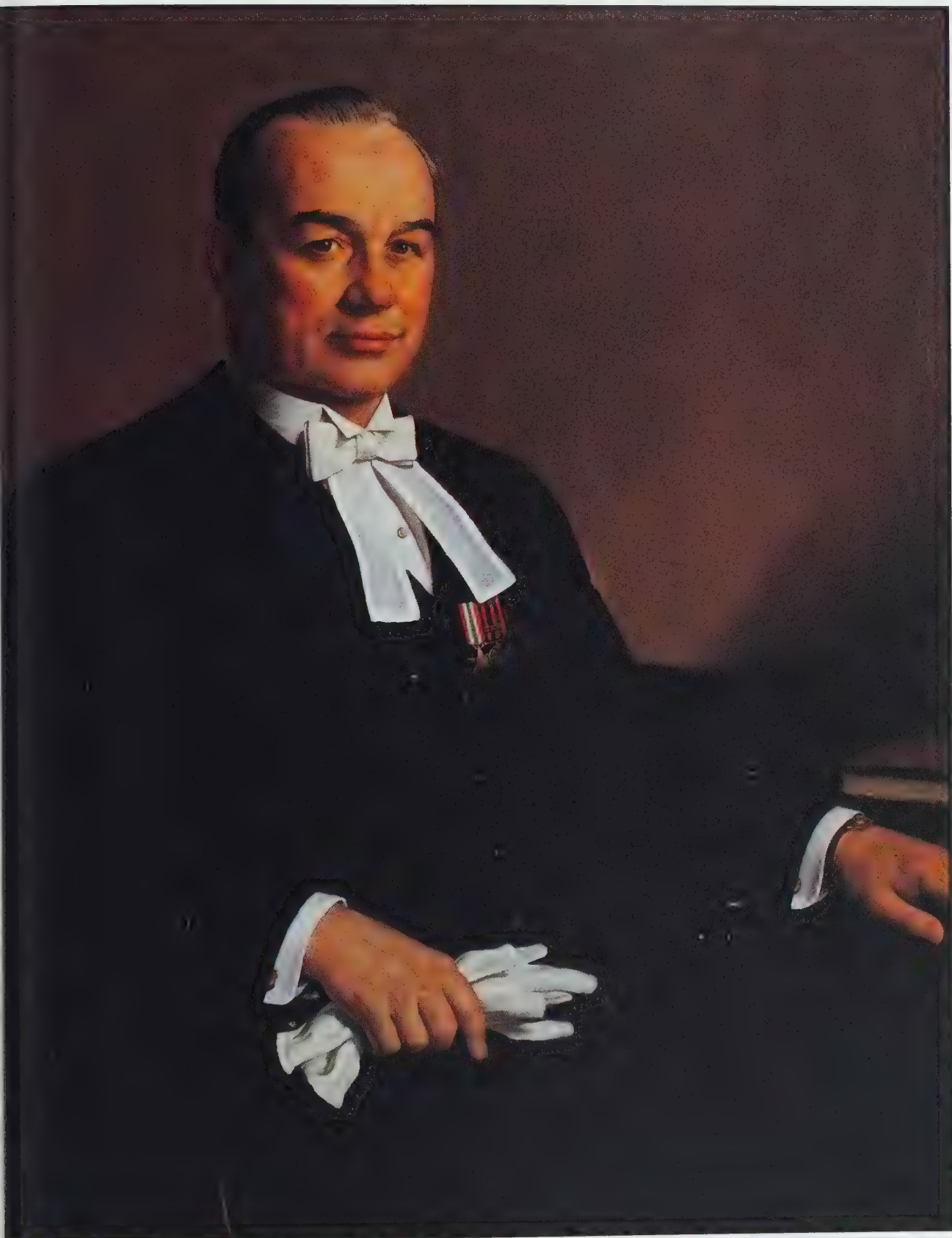


15 February 1963; and Finlay, *Speakers of the Legislative Assembly*, pp. 108-109.

<sup>17</sup>"Paterson ends Tory dominance," *The Windsor Star*, 26 September 1963; and "Premier praises Murdoch," *The Windsor Star*, 30 October 1963.

<sup>18</sup>Jim McNulty and Otto Stein, "William Murdoch," *Toronto Star*, 9 October 1976.

*Donald Hugo Morrow*



**Donald Hugo Morrow**  
**1967**  
*Portrait by Kenneth Forbes*

## **DONALD HUGO MORROW**

The 25th Speaker to preside over the Legislative Assembly of the Province of Ontario was born in Winchester Springs, Ontario on 19 December 1908. After attending the local elementary school and Winchester and Chesterville High Schools, Donald Hugo Morrow went to Queen's University in Kingston, Ontario in preparation for a career in education. For 25 years -- from 1929 to 1954 -- he served as a teacher and later as a school principal with the Ottawa School Board. His career was interrupted between 1941 and 1946, when he served as a lieutenant with the Canadian Army Infantry and later as a Flight Lieutenant with the Royal Canadian Air Force.<sup>1</sup>

A provincial general election was called for the summer of 1948 and Morrow secured the Progressive Conservative nomination for the riding of Carleton. As a member of a family with strong Tory ties -- his father had campaigned for John A. Macdonald -- Morrow was the logical choice for candidate.<sup>2</sup> Consequently, he was elected to the Assembly with a majority of almost 62 per cent.<sup>3</sup> During his first of eight consecutive terms in the Legislature, the freshman member served on several committees including the Standing Committees on Private Bills, Public Accounts and, not surprisingly, Education.<sup>4</sup>

Morrow was returned to the House in 1951 as the member for Carleton and, in 1955 and 1959, as the member for the adjacent riding of Ottawa West.<sup>5</sup> Continuing in his role as backbencher, the former principal of Churchill Avenue Public School maintained a high profile, serving on and chairing several Legislative committees.<sup>6</sup> Appointments to cabinet, however, seemed unattainable for Morrow during this period. In 1958, such a promotion seemed imminent but went instead to James Maloney, the Conservative member for Renfrew South who had been sent to the Assembly in 1956. In giving Maloney the appointment, Morrow later maintained, Premier Leslie Frost had not followed his own political good sense but acquiesced to the desires of the Bishop of Pembroke who wished to see the post go to an Irish Catholic from eastern Ontario.<sup>7</sup>

While his truculence may have cost him a cabinet portfolio, it did not hinder Morrow's appointment to other political offices. In July 1963, Premier John P. Robarts appointed Morrow head of the Ontario-St. Lawrence Development Commission, which operates provincial parks between Lancaster and Napanee.<sup>8</sup> The member for Ottawa West did not stay long in this part-time, \$10,000-a-year post however. The provincial general election of September



1963 had returned a substantial Conservative majority -- 77 of 108 seats -- and Premier Robarts was allowed the luxury of appointing one of his backbenchers to the Speakership. Perhaps to placate Morrow, who had been re-elected for a fifth term, Robarts offered him the chair during a telephone conversation before the opening of the Legislature. Morrow, who accepted the appointment the following day, would later admit that he "never had any aspirations to be Speaker" and was initially disinclined to take the position because of the regalia, ceremony and entertaining that are part and parcel of the Speakership.<sup>9</sup> On 29 October 1963, Donald Morrow became Speaker of the Legislative Assembly of Ontario.<sup>10</sup>

Morrow presided over a brief first session called for the express purpose of "passing a measure to provide for the making of loans to municipalities to assist in the financing of municipal capital works programmes."<sup>11</sup> With the *Municipal Works Assistance Act* passed, the Assembly focused its attention on other issues. During the course of Morrow's term in the Chair, several educational institutions received their acts of incorporation including Brock University and the Ontario Institute for Studies in Education.<sup>12</sup> In this parliament's third session, acts to provide for a provincial flag<sup>13</sup> and to impose "a tax on the consumers of tobacco"<sup>14</sup> were introduced and ratified by the members.

The former teacher twice ruled on questions of issues that were *sub judice*, that is, before the courts. Citing parliamentary practice and precedents, Morrow<sup>15</sup> chastised the members and ruled that "the *Sub Judice* rule will henceforth be strictly enforced, and the discussion of any matter pending before the courts will not be permitted." A similar situation arose early in the Assembly's fourth session. In March 1966, the Deputy Speaker had interrupted debate by noting that the point in question was *sub judice* and, therefore, not to be discussed in the House as it might prejudice the issue. The Deputy Speaker's ruling was questioned in the House and Morrow found it necessary to defend the ruling and to re-state his prior decision on the matter.<sup>16</sup>

Morrow was returned to the Assembly but not to the Speaker's Chair in 1967.<sup>17</sup> By 1971, he had begun to tire of politics but sought re-election after being persuaded to do so by Premier William Davis.<sup>18</sup> In 1975, he was elected to what would be his eighth and final term in the Legislature. The man who had served under five premiers came to be referred to as "the Dean of the Legislature" and was appointed to the Social Assistance Review Board in 1978. He continues to serve as a member of this board to this day.

## Notes

<sup>1</sup>"Donald Hugo Morrow, MPP," *Press Release*, 1971; "Donald Hugo Morrow, B.A.," *The Parliamentary Guide for the Province of Ontario* (Toronto: King's Printer, 1951), p. 625; and Kathleen Finlay, *Speakers of the Legislative Assembly of Ontario 1867-1984* (Toronto: Legislative Library, Research and Information Services, 1985), p. 110.

<sup>2</sup>"Donald Morrow: Conservative," *Ottawa Citizen*, 18 October 1971.

<sup>3</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario, 1867-1982: Candidates and Results with Statistics from the Records*, comp. Office of the Chief Election Officer (Toronto: Office of the Chief Election Officer, 1985), p. 367; and Finlay, *Speakers of the Legislative Assembly*, p. 110.

<sup>4</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 83, 1st Session, 23rd Parliament (Toronto: Baptist Johnson, 1949), pp. 26-28.

<sup>5</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario*, p. 367.

<sup>6</sup>See: Idem, *Report of the Select Committee Appointed to Expend Any Sums Set Apart for Art Purposes in the Estimates of the Fiscal Year Ending March 31, 1950* (Toronto: The Committee, 1950); idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 86, 1st Session, 24th Parliament (Toronto: Baptist Johnson, 1952), pp. 18-20; idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 91, 3rd Session, 25th Parliament (Toronto: Baptist Johnson, 1957), pp. 19-23; and idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 94, 1st Session, 26th Parliament (Toronto: Queen's Printer, 1960), pp. 24-27.

<sup>7</sup>*Ottawa Citizen*, 1 November 1976, as quoted in Finlay, *Speakers of the Legislative Assembly*, p. 111.

<sup>8</sup>"Don Morrow new head of parks commission," *Ottawa Citizen*, 25 July 1963.

<sup>9</sup>See: Interview with former Speaker Morrow by Bill Somerville, Legislative Broadcast and Recording Services, September 1990; "Morrow legislature Speaker," *Ottawa Citizen*, 18 October 1963; and Finlay, *Speakers of the Legislative Assembly*, pp. 111-112.

<sup>10</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 98, 1st Session, 27th Parliament (Toronto: Legislative Assembly, 1964), p. 5.

<sup>11</sup>*Ibid.*, p. 1.

<sup>12</sup>Idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 98, 2nd Session, 27th Parliament (Toronto: Legislative Assembly, 1964), pp. 6, 27, 77, 55, 114, 119, 123; and idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 99, 3rd Session, 27th Parliament (Toronto: Legislative Assembly, 1965), pp. 125, 132, 133, 160, 182, 191.

<sup>13</sup>*Ibid.*, pp. 64, 72, 100, 111, 115.

<sup>14</sup>*Ibid.*, pp. 131, 137, 169, 172, 183, 191.

<sup>15</sup>Idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 98, 1st Session, 27th Parliament, pp. 29-30.

<sup>16</sup>Idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 100, 4th Session, 27th Parliament, pp. 106-107.

<sup>17</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario*, p. 367; Jim Hayes, "Four years of silence by same old Morrow," *Ottawa Citizen*, 27 September 1967; and Jim Hayes, "Morrow scores runaway victory," *Ottawa Citizen*, 18 October 1967.

<sup>18</sup>Murray Wappler, "Morrow changes mind, he'll run for PCs again," *Ottawa Citizen*; and Finlay, *Speakers of the Legislative Assembly*, p. 112.



*Frederick McIntosh Cass*



**Frederick McIntosh Cass**  
**1968-1971**

*Portrait by Cleeve Horne*

## **FREDERICK McINTOSH CASS**

Even a cursory study of the role played by the office of Speaker in the political agenda of the governing party reveals a few trends. For example, while perhaps not as coveted as an appointment to Cabinet, the Speakership has always carried a great deal of prestige, prompting some individuals -- such as Allan Napier MacNab -- to openly campaign for the position. A less evident trend is revealed in the fact that on at least two occasions the Speakership has been used by the party in power to assuage individual members who have been the victims of unwarranted political misfortune. In the period prior to Confederation in 1867, the best example of the phenomenon remains that of Henry Smith, Jr.; the case of Frederick McIntosh Cass, however, provides a more recent example.

Cass was born in Chesterville, Ontario, on 5 August 1913. The son of a prominent, small-town lawyer from eastern Ontario, he followed in his father's footsteps and studied at Osgoode Hall after graduating from Victoria College in 1933.<sup>1</sup> He articulated with the Toronto firm of Rogers and Rowland and was called to the Bar in 1936.<sup>2</sup> Soon, Cass joined his father's practice in the town of Winchester, Ontario.

Like many other Canadians, Cass volunteered for military duty during the Second World War. He served with the Stormont, Dundas and Glengarry Highlanders and was, at different times, stationed at the Canadian Military Headquarters in London, Italy and Belgium. After the War, Cass joined the newly formed Canadian Pacific Force but, having achieved the rank of major, retired from active duty shortly thereafter. Upon his return to civilian life, he resumed his interest in legal and administrative affairs. In 1950, he was appointed deputy magistrate for Grenville and Dundas Counties. He held this post until 1955, at which time he turned his attention to provincial politics.<sup>3</sup>

In this same year, Cass succeeded in getting the Progressive Conservative party's nomination for the newly formed riding of Grenville-Dundas. He won the seat easily with a plurality of 64 per cent.<sup>4</sup> Cass' rise to political prominence was, by any standards, impressive. After three terms in the House, he was named to a Cabinet post by Premier Leslie Frost. On 28 April 1958, he became the new Minister of Highways in the wake of a political scandal that had forced the resignation of three cabinet members -- including his predecessor. It was under Cass' ministry that the demerit point system for Ontario drivers was introduced in 1959. Cass was returned to the



House in 1959 and continued to hold the Highway portfolio until 8 November 1961.<sup>5</sup>

Cass' willingness to assume difficult jobs in politically trying times quickly earned him both a reputation as a trouble-shooter for Premier Frost and the nick-name of "The Fireman" because "he took on jobs that were under opposition criticism."<sup>6</sup> In 1961, Cass took his trouble-shooting abilities to the Ministry of Municipal Affairs where he promptly instigated an intensive auditing campaign of all municipalities.<sup>7</sup> On the same day that he had been appointed to the Municipal Affairs portfolio, he succeeded Kelso Roberts as the second Attorney General under the new Premier, John Robarts. It has been suggested that by giving Cass this position, Robarts had hoped that he could exercise his organizational skills and could "restore political control to a department that seemed, from the point of view of the cabinet, to have been too lax in supervising its agencies."<sup>8</sup> In accepting the appointment, the new Attorney General inherited a multitude of unresolved and controversial matters, not the least of which was the impending Roach Commission report on organized crime.

Shortly after assuming the portfolio, "The Fireman" came under fire in the House for his handling of the Ontario Police Commission,<sup>9</sup> the Ontario Securities Commission<sup>10</sup> and the Coroner's Office. These problems were only precursors to what has been called, "the closest thing to a major scandal in the Robarts regime."<sup>11</sup> In the course of the next few months, Cass' career as a member of the executive would slowly crumble.

On 19 March 1964, Attorney General Cass introduced legislation which proposed to amend the Police Act. The now infamous Bill 99 was the government's response to the Roach Commission's request to allow the Police Commission to investigate organized crime.<sup>12</sup> Under the provisions of section 14 of the proposed legislation, the Ontario Police Commission -- an administrative tribunal -- would be given extraordinary powers to hold hearings *in camera*, a right that even the highest courts could possess only under special circumstances.<sup>13</sup> The offending section did not sit well with Cass, who felt that it would allow the Police Commission to interfere with individual rights. However, after being assured by members of his ministry



that such an abuse would not occur and that the individual's rights were, in fact, protected under the amendment, Cass declined to voice his fears in cabinet.<sup>14</sup> Thus, Bill 99 was presented to the House

as a series of amendments . . . to define more particularly the powers of the Ontario Police Commission, and to give it certain additional powers, particularly with respect to determining the adequacy of policing.<sup>15</sup>

It was only when Cass suggested that Bill 99 be discussed in the Committee of the Whole House rather than simply sent to committee, that the real trouble began.

Once aware of the contents of the proposed amendment, opposition members and the press pounced on Bill 99, calling it police state legislation.<sup>16</sup> The Attorney General only fuelled the flames when he stated in a television interview with the Canadian Broadcasting Company that the bill was "drastic," "dangerous . . . and it is terrible legislation in an English common law country."<sup>17</sup> With the rising tide of opposition and controversy surrounding Bill 99, Premier Robarts -- who had initially supported the legislation -- had no choice but to withdraw Bill 99. Under pressure from Premier Robarts, who held him responsible for the fiasco, as well as growing popular opinion, Cass resigned as Attorney General on 23 March 1964.<sup>18</sup>

After this incident, Cass moved to the Conservative backbenches until his re-election to the Assembly in 1967. When the House convened on 14 February 1968, the former Attorney General became Speaker of the Legislative Assembly.<sup>19</sup> Paralleling Henry Smith's election to the Chair in 1858, several members suggested that Cass' appointment to the Speakership was "a symbolic salve applied to an old political wound."<sup>20</sup> Many backbenchers felt the position rightfully belonged to Leonard Reilly, who had served as Deputy Speaker during the previous two legislatures. Despite the difference of opinion, Frederick Cass was elected to the office of Speaker on 14 February 1968.

Cass acquitted himself well during his term as Speaker. His term in the Chair was marked by raucous debates. Yet, in addition to coping with a rather boisterous and at times hostile membership,<sup>21</sup> Speaker Cass was asked to rule on several issues including the right of television to broadcast committee hearings on controversial issues such as rent review.<sup>22</sup> Perhaps

the most intriguing of his rulings, however, concerned his decision to restrain the members from using the word "why" when beginning ministerial questions. The Speaker maintained that "questions beginning with the word 'why' were usually not aimed at soliciting information from cabinet ministers, but at giving the questioner an opening to catalogue his complaints about the government."<sup>23</sup>

In 1971, Cass retired from politics stating that he wanted no part of the "political ferment" he saw brewing among Ontario's Progressive Conservatives.<sup>24</sup> Shortly thereafter, the former Speaker and Attorney General returned to Winchester, Ontario to resume his legal practice.

### Notes

<sup>1</sup>Kathleen Finlay, *Speakers of the Legislative Assembly of Ontario, 1867-1984* (Toronto: Legislative Library, Research and Information Services, 1985), p. 113.

<sup>2</sup>Barristers' Rolls, Law Society of Upper Canada Archives, Osgoode Hall.

<sup>3</sup>Finlay, *Speakers of the Legislative Assembly*, p. 113.

<sup>4</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario, 1867-1982: Candidates and Results with Statistics from the Records*, comp. Office of the Chief Election Officer (Toronto: Office of the Chief Election Officer, 1985), p. 77.

<sup>5</sup>*Legislators and Legislatures of Ontario*, vol. 1: 1792-1866, comp. Debra Forman (Toronto: Legislative Library, Research and Information Services, 1985), p. xli; Province of Ontario, Ministry of Transportation, "Ontario Ministry of Transportation Ministers and Deputy Ministers: A Chronology"; and idem, "Our First 75 Years: Transportation Highlights," Pamphlet.

<sup>6</sup>*Toronto Star*, 30 December 1970.

<sup>7</sup>Forman, *Legislators and Legislatures of Ontario*, vol. 1: 1792-1866, p. xliv; and Finlay, *Speakers of the Legislative Assembly*, p. 113.

<sup>8</sup>A. K. McDougall, *John P. Robarts: His Life and Government*, Ontario Historical Studies Series (Toronto: University of Toronto Press, 1986), pp. 63, 76, 91, 116.

<sup>9</sup>See: Dahn D. Higley, *O. P. P.: The History of the Ontario Provincial Police Force* (Toronto: The Queen's Printer, 1984), p. 410; and McDougall, *John P. Robarts: His Life and Government*, pp. 116-126.

<sup>10</sup>McDougall, *John P. Robarts: His Life and Government*, p. 118, 145-146.

<sup>11</sup>Claire Hoy, *Bill Davis: A Biography* (Toronto and New York: Methuen, 1985), p. 43.

<sup>12</sup>Donald C. MacDonald, *The Happy Warrior: Political Memoirs*, with a forward by Desmond Morton (Toronto: Fitzhenry and Whiteside, 1988), pp. 139-141; and Jonathan Manthorpe, *The Power and the Tories: Ontario Politics -- 1943 to the Present* (Toronto: Macmillan, 1974), p. 66.

<sup>13</sup>See: Alan W. Mewett, "The Ontario Police Act, 1964," *The University of Toronto Law Journal*, vol. 16 (1965-1966): 184-185; and Ken Lefolii, "The Holy War to Destroy Bill 99," *Maclean's* (14 July 1964): 11-12.

<sup>14</sup>McDougall, *John P. Robarts: His Life and Government*, p. 119; and Lefolii, "The Holy War to Destroy Bill 99," pp. 13, 37-38.

<sup>15</sup>McDougal, *John P. Robarts: His Life and Government*, p. 120.

<sup>16</sup>Mewett, "The Ontario Police Act, 1964," p. 185; McDougall, *John P. Robarts*, p. 122; and Ralph Hyman, "Cass in the Spotlight," *Globe and Mail*, 21 March 1964.

<sup>17</sup>See: Hoy, *Bill Davis: A Biography*, pp. 43-44; and McDougall, *John P. Robarts*, p. 121.

<sup>18</sup>See: Frederick Cass to John P. Robarts, letter, 23 March 1964, Political Files, John P. Robarts Papers, Archives of Ontario; Manthorpe, *The Power and the Tories*, p. 67; McDougall, *John P. Robarts*, pp. 123-126; and Lefolii, "The Holy War to Destroy Bill 99," pp. 38-41.

<sup>19</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 102, 1st Session, 28th Parliament (Toronto: Legislative Assembly, 1968), p. 5.



<sup>20</sup>Finlay, *Speakers of the Legislative Assembly*, p. 114.

<sup>21</sup>Arthur Brydon, "The House referee handles a hectic game," *Globe and Mail*, 4 December 1968; Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 102, 2nd Session, 28th Parliament, p. 169; and Finlay, *Speakers of the Legislative Assembly*, pp. 114-115.

<sup>22</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 103, 2nd Session, 28th Parliament (Toronto: Legislative Assembly, 1970), p. 69.

<sup>23</sup>Michael Lavoie, "Speaker Cass, 57, retiring to escape 'political ferment'," *Toronto Star*, 30 December 1970; and Finlay, *Speakers of the Legislative Assembly*, p. 115.

<sup>24</sup>Lavoie, "Speaker Cass, 57, retiring," *Toronto Star*, 30 December 1970.

*Allan Edward Reuter*



**Allan Edward Reuter**  
**1971-1974**

*Portrait by Richard Miller*

## **ALLAN EDWARD REUTER**

Allan Edward Reuter was born on 9 August 1914 in Preston, Ontario. The eldest of six children, he left school after grade nine to help support his family. At the age of 16, Reuter became an office boy in a local shoe factory. An ambitious man, by the time he enlisted in the Navy during World War II, Reuter had worked his way up to office manager.<sup>1</sup>

Upon his return from active duty in 1946, Reuter established himself as a public accountant in Preston and over the next decade become an expert in the field of bankruptcy. In fact, it was this reputation that led him to local politics. On the encouragement of friends, Reuter ran for alderman in Preston's 1959 municipal election. "With my experience as a bankruptcy trustee," Reuter said, "I thought I could make a contribution, so I ran."<sup>2</sup> The voters of Preston concurred and elected Reuter to the first of three terms as alderman. During this period he created Preston's first five-year capital spending forecast, although such financial planning was not required by the province.<sup>3</sup> In 1962, he successfully campaigned for the office of Mayor.

Reuter made the transition from municipal to provincial politics in 1963. With only a few months remaining in his term as Mayor of Preston, he secured the Progressive Conservative nomination for the riding of Waterloo South and won the seat by a margin of nearly 3 to 1.<sup>4</sup> The freshman member for Waterloo South distinguished himself in the course of the province's 27th parliament by serving on several Standing Committees, including those on Government Commissions and Public Bills.<sup>5</sup> It was as Chairman of the latter that Reuter came to the attention of Premier John Robarts.<sup>6</sup>

After Reuter's return to the Assembly in 1967, Robarts appointed him Deputy Speaker and Chairman of the Committees of the Whole House. Reuter held these appointments for the duration of the 28th parliament, from 1968 to 1971.<sup>7</sup> The member for Waterloo South also brought his legislative experience to bear as a member of the Assembly's Standing Committee on Natural Resources and Tourism.<sup>8</sup>

When the 29th Legislature convened at Toronto on 13 December 1971, Allan Reuter was elected its Speaker.<sup>9</sup> The appointment did not come as a surprise for Reuter -- Deputy Speakers were frequently elevated to the Chair -- but it did confront him with a serious decision. In 1970 he had considered retiring from politics due to declining health. Diabetic and suffering from



emphysema, he presided over a Chamber that had the reputation of being the most boisterous in the country and this may have endangered his health. Indeed, Reuter had even purchased a cottage from former Speaker Norman Hipel in preparation for his retirement. He was given a clean bill of health, however, and accepted the nomination becoming the 28th individual to preside over the Legislative Assembly of Ontario.<sup>10</sup>

Reuter's tenure in the Chair was significant both in terms of legislation and administration. It was during the province's 29th parliament that a proliferation of government administrative departments occurred.<sup>11</sup> In the course of the following two sittings, members passed acts establishing the Ministry of Industry and Tourism,<sup>12</sup> the Ministry of Natural Resources,<sup>13</sup> the Ministry of the Solicitor General,<sup>14</sup> the Ministry of Housing,<sup>15</sup> and the Ministry of Energy.<sup>16</sup> It was also during Reuter's Speakership that Ontario Place's act of incorporation was enacted<sup>17</sup> and that legislation to provide for the administration of the Ontario Health Insurance Plan by the Ontario Health Insurance Commission was introduced and passed.<sup>18</sup>

Reuter's two precedent-setting actions as Speaker in the unruly Chamber both involved parliamentary discipline. On 23 June 1972, Reuter ordered the ejection from the Chamber of two Opposition members within the span of 20 minutes. Since Confederation, no Speaker had taken such drastic action to restore order to the House.<sup>19</sup> On 14 December 1973 he was again forced to take action and suspended debate over legislation to settle a teacher's dispute. Later stating that "it would take a half-hour to cool this one out," Reuter's actions allowed decorum to return to the Chamber and debate resumed.<sup>20</sup>

Perhaps the most important event of Reuter's Speakership was the appointment of the Ontario Commission on the Legislature, more commonly referred to as the Camp Commission. On 9 June 1972 Premier William Davis moved that

a Commission be appointed to study the function of the Legislative Assembly with a view to making such recommendations as it deems advisable with respect thereto, with particular reference to the role of the Private

Members and how their participation in the process of Government may be enlarged . . .<sup>21</sup>

The resolution was unanimously passed and, shortly thereafter, the Commission began its inquiries. The Commissioners explored more general concern for "the decline of the Legislature as an institution of unchallenged strength and independence."<sup>22</sup> Tabled in May 1973, the Camp Commission's first report pointed to the erosion of the Speaker's powers as a major factor in the decline of the Legislature and suggested that the Speakership be removed completely from any dependence on the Ministry of Government Services.<sup>23</sup>

The Commission's second report, brought before the House seven months later, outlined an administrative scheme that would allow the Legislature to meet its own needs while ensuring the Speaker's independence and authority.<sup>24</sup> The Commission recommended the creation of a new administrative entity: the Office of the Legislative Assembly in which the Speaker would be the Chief Administrative Officer of the Assembly and thus responsible for policy and operations. The Speaker would be assisted in his administrative duties by the Clerk of the House and the Director of Administration.<sup>25</sup> The Commission also concluded that "recognition of the Speaker as head of the Legislature should be expressed in the order of precedence in Ontario." Consequently, the Speaker was raised in precedence to rank fourth in the Ontario government's political hierarchy.<sup>26</sup>

During a late-night sitting on 21 December 1973, Reuter collapsed in the Chair and was taken to hospital. He returned to the Legislature and to the Speakership in the spring of 1974 but left the more onerous aspects of the position to the care of Deputy Speaker Russell Rowe. On 22 October 1974, Reuter resigned the Speakership and Rowe was elected to the Chair.<sup>27</sup>

Reuter resumed his seat on the government backbenches following his resignation. In 1975, he chose not to seek re-election but to return to private life. Allan Edward Reuter died at Cambridge Memorial Hospital on 31 December 1982. Following a memorial service at St. Paul's United Church, the former public accountant and politician was buried in Cambridge, Ontario.<sup>28</sup>

## Notes

<sup>1</sup>"Former alderman steps up to Speaker," *Kitchener-Waterloo Record*, 9 December 1971; "Ex-Speaker of Legislature made history," *Globe and Mail*, 4 January 1983; and Kathleen Finlay, *Speakers of the Legislative Assembly of Ontario, 1867-1984* (Toronto: Legislative Library, Research and Information Services, 1985), p. 116.

<sup>2</sup>"Former alderman steps up to Speaker," *Kitchener-Waterloo Record*, 9 December 1971; and "Allan Reuter was Speaker of Ontario Legislature 3 years," *Toronto Star*, 4 January 1983.

<sup>3</sup>Gerald Wright, "Illnesses plague Reuter," *Kitchener-Waterloo Record*, 12 March 1981.

<sup>4</sup>"Allan Reuter still Mayor," *Cambridge Reporter*, 26 September 1963; and Province of Ontario, Elections Ontario, *Electoral History of Ontario, 1867-1982: Candidates and Results with Statistics from the Records*, comp. Office of the Chief Election Officer (Toronto: Office of the Chief Election Officer, 1985), p. 423.

<sup>5</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 98, 2nd Session, 27th Parliament (Toronto: Legislative Assembly, 1964), pp. 21-23.

<sup>6</sup>"Allan Reuter was Speaker of Ontario Legislature 3 years," *Toronto Star*, 4 January 1983; and Finlay, *Speakers of the Legislative Assembly*, p. 116.

<sup>7</sup>See: Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 102, 1st Session, 28th Parliament (Toronto: Legislative Assembly, 1968), p. 6; idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 105, 4th Session, 28th Parliament (Toronto: Legislative Assembly, 1971), p. 16; and Finlay, *Speakers of the Legislative Assembly*, p. 116.

<sup>8</sup>Idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 102, 1st Session, 28th Parliament, p. 20.

<sup>9</sup>Idem, *Journals of the Legislative Assembly of the Province of Ontario*,



vol. 106, 1st Session, 29th Parliament (Toronto: Legislative Assembly, 1971), p. 6.

<sup>10</sup>Tom Mills, "200 attend light-hearted send-off for Reuter," *Cambridge Daily Reporter*, 29 April 1976; "Former alderman steps up to Speaker," *Kitchener-Waterloo Record*, 9 December 1971; and "Dogged by ill-health House Speaker Reuter will probably resign," *Globe and Mail*, 16 October 1974.

<sup>11</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 106, 1st Session, 29th Parliament, pp. 10, 19, 22, 25.

<sup>12</sup>Idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 106, 2nd Session, 29th Parliament (Toronto: Legislative Assembly, 1972), pp. 29, 40, 43, 44.

<sup>13</sup>Ibid., pp. 29, 43, 44.

<sup>14</sup>Ibid., pp. 29, 41, 43, 44.

<sup>15</sup>Idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 107, 3rd Session, 29th Parliament (Toronto: Legislative Assembly, 1974), pp. 133, 154, 155, 160.

<sup>16</sup>Ibid., pp. 102, 111, 114, 131.

<sup>17</sup>Idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 106, 2nd Session, 29th Parliament, pp. 63, 78, 79, 83.

<sup>18</sup>Idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 106, 1st Session, 29th Parliament, pp. 9, 10, 12, 25.

<sup>19</sup>Idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 106, 2nd Session, 29th Parliament, pp. 135, 141, 162; "Allan Reuter was Speaker of Ontario Legislature 3 years," *Toronto Star*, 4 January 1983; and Finlay, *Speakers of the Legislative Assembly*, p. 117.

<sup>20</sup>"Reuter plays his guitar to get away from political hassle," *Kitchener-Waterloo Record*, 25 February 1974; and Finlay, *Speakers of the Legislative Assembly*, p. 117.

<sup>21</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 106, 2nd Session, 29th Parliament, p. 117.

<sup>22</sup>Donald C. MacDonald, "Modernizing the Legislature," *The Government and Politics of Ontario*, ed. Donald C. MacDonald, 2nd Ed. (Toronto: Van Nostrand Reinhold, 1980), p. 83.

<sup>23</sup>See: Province of Ontario, Ontario Commission on the Legislature, *First Report of the Ontario Commission on the Legislature, May 1973* (Toronto: The Commission, 1973), pp. 18-19, 61.

<sup>24</sup>Idem, *Second Report of the Ontario Commission on the Legislature, December 1973* (Toronto: The Commission, 1973), pp. 4-8.

<sup>25</sup>Ibid., pp. 10-11.

<sup>26</sup>Ibid., p. 11.

<sup>27</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 108, 4th Session, 29th Parliament (Toronto: Legislative Assembly, 1975), pp. 133; Mills, "200 attend light-hearted send-off for Reuter," *Cambridge Daily Reporter*, 29 April 1976; "Dogged by ill-health, House Speaker Reuter will probably resign," *Globe and Mail*, 16 October 1974; and Finlay, *Speakers of the Legislative Assembly*, p. 118.

<sup>28</sup>Linda Jary, "Reuter highly regarded," *Cambridge Daily Reporter*, 3 January 1983; "Allan Reuter was Speaker of Ontario Legislature 3 years," *Toronto Star*, 4 January 1983; and Finlay, *Speakers of the Legislative Assembly*, p. 118.

*Russell Daniel Rowe*



**Russell Daniel Rowe**

**1974-1977**

*Portrait by Richard Miller*



## **RUSSELL DANIEL ROWE**

Russell Daniel Rowe was born in Campbellford, Ontario, on 1 December 1914. The future Speaker of the Legislative Assembly attended Campbellford High School and Queen's University in Kingston where he studied English and Mathematics. Rowe pursued a variety of careers before entering the provincial Assembly. During World War II, he served with the Royal Air Force and held the rank of Flying Officer. Upon his return from Europe, he became a teacher and, later, a stockbroker.<sup>1</sup>

With little prior political experience behind him, Rowe campaigned as the Progressive Conservative candidate for the riding of Northumberland in the 1963 provincial election, winning with 55 per cent of the vote.<sup>2</sup> After taking his seat in the Assembly, the freshman member immersed himself in the business of the House and served on several committees including that concerned with Education, Health and Welfare.<sup>3</sup> Rowe was returned to the Assembly in 1967 and, during the 28th parliament, he held memberships in the Standing Committees on Agriculture and Food, and University Affairs.<sup>4</sup> The Conservative backbencher undertook yet another responsibility. In the Assembly's fourth session on 2 April 1971, he was appointed Deputy Chairman of the Committees of the Whole House.<sup>5</sup>

The member for Northumberland easily secured his re-election in October 1971.<sup>6</sup> When the Legislature convened on 13 December 1971, Rowe was given the double honour of being appointed Deputy Speaker and Chairman of the Committees of the Whole House.<sup>7</sup> However, it was as Chairman of the Select Committee on Economic and Cultural Nationalism that Rowe distinguished himself as a political "straight shooter" and, by his own admission, received a form of "training" that would later serve him as Speaker.<sup>8</sup>

Appointed in December 1971 by Premier William Davis, the Committee was directed "to inquire into the status of opinion and information regarding cultural as well as economic nationalism."<sup>9</sup> In the next four years, the Committee travelled extensively throughout Canada and the world, tabling the results in two final reports.<sup>10</sup> It proposed that government take a more dominant role in the promotion and preservation of Canada's diverse cultures. The reports also asked the government to address the relationship between the underdevelopment of Canadian industry and foreign ownership.<sup>11</sup> While he agreed with the recommendations contained in the report on economic nationalism, Rowe dissented from the report on cultural

nationalism, stating that "the committee's recommendations tend to be too selfish and nationalistic."<sup>12</sup>

Unfortunate circumstances brought Rowe to the Speaker's Chair. On 22 October 1974, continuing ill-health forced Speaker Allan Reuter to resign, necessitating the election of a new Speaker.<sup>13</sup> As the Deputy Speaker for several previous sessions, Rowe was "the logical one to step up."<sup>14</sup> Consequently, on 22 October 1974 the member for Northumberland became the 29th Speaker to preside over Ontario's legislature since Confederation.<sup>15</sup>

Rowe was the first Speaker to be affected by the implementation of recommendations of the second report of the Ontario Commission on the Legislature, commonly referred to as the Camp Commission. In response to recommendations for a more independent legislature, the Office of the Speaker was elevated to a level equal to that of a cabinet minister and accorded a place in the order of precedence following the Lieutenant-Governor, the Premier and the Chief Justice of the Supreme Court of Ontario. Fewer than two months after Rowe's election to the Chair, the Office of the Legislative Assembly was established.<sup>16</sup> As provided for in the *Legislative Assembly Act, 1974*, the new Office of the Assembly assumed the administration of the Legislature formerly held by the Ministry of Government Services.<sup>17</sup> As a consequence of this event, the Speaker took on the added responsibility of being First Administrative Officer of the Legislature.<sup>18</sup>

Rowe's first term as Speaker lasted only four months. Unlike many of his Conservative colleagues, he was returned to the House in the provincial general election of 1975.<sup>19</sup> When the results of this election were known, it was clear that three decades of Conservative rule in Ontario had come to an end. When the House convened in Toronto on 28 October 1975 the NDP with 38 seats became the official Opposition. The Conservatives held just 51 of the 125 seats -- 23 fewer than the NDP and Liberals combined.<sup>20</sup> Although his ability to control what was bound to be a boisterous Assembly was questioned, Rowe was elected to a second term as Speaker.<sup>21</sup>

Although debate in the House became more unruly as the sessions progressed, perhaps the most interesting event of Rowe's second term in the Chair occurred not on the floor of the House but on the steps of the Legislature. On 28 October 1975 -- the day on which parliament opened -- a demonstration on the steps of Queen's Park by the Union of Injured Workers turned violent and a 15 minute melee between the demonstrators



and police ensued.<sup>22</sup> Four men were injured in the clash and, as a consequence, the office of the Speaker was requested

. . . to undertake a full investigation to determine, specifically, whether excessive force may have been used, inadvertently or otherwise, by any Police Officers or members of the Ontario Government Protective Service . . .<sup>23</sup>

After the investigation it was decided that the Speaker should issue new security guidelines for demonstrations held outside of the Legislature as provided for under Section 94 of the *Legislative Assembly Act*. These new guidelines stated that to reduce the risk of injury to innocent bystanders, protestors would be prohibited from coming within 30 feet of portico area of Queen's Park.<sup>24</sup>

Fewer than two years later, another provincial general election was called and another Conservative minority government was returned. Rowe was elected to an unprecedented third term as Speaker, but frustrated by the acerbity of the members, resigned the Chair on 17 October 1977.<sup>25</sup> For the remainder of the 31st parliament, he resumed his seat and duties as the member for Northumberland. Stating that the time had arrived to "step aside and allow a younger person to assume the responsibility," Rowe retired from provincial politics before the 1980 general election.<sup>26</sup>

After his retirement from the Legislature, the former Speaker remained active in politics. In 1983, he was named a member of the Liquor Control Board of Ontario. Russell Daniel Rowe continues to reside in Cobourg, Ontario.

## Notes

<sup>1</sup>Kathleen Finlay, *Speakers of the Legislative Assembly of Ontario, 1867-1984* (Toronto: Legislative Library, Research and Information Services, 1985), p. 119; and "Hon. Russell D. Rowe confirmed as Northumberland P.C. candidate," *Campbellford Herald*, 27 August 1975.



<sup>2</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario, 1867-1982: Candidates and Results with Statistics from the Records*, comp. Office of the Chief Election Officer (Toronto: Office of the Chief Election Officer, 1985), p. 441.

<sup>3</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 98, 1st Session, 27th Parliament (Toronto: Legislative Assembly, 1963), pp. 21-23.

<sup>4</sup>Idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 102, 1st Session, 28th Parliament (Toronto: Legislative Assembly, 1968), pp. 19-20.

<sup>5</sup>Idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 105, 4th Session, 28th Parliament (Toronto: Legislative Assembly, 1971), p. 16.

<sup>6</sup>In the provincial general election of 21 October 1971, Rowe was returned to the Assembly with 54 per cent of the popular vote in the riding of Northumberland. See: Province of Ontario, Elections Ontario, *Electoral History of Ontario*, p. 441.

<sup>7</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 106, 1st Session, 29th Parliament (Toronto: Legislative Assembly, 1971), p. 8. See also: Idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 106, 2nd Session, 29th Parliament (Toronto: Legislative Assembly, 1972), p. 13.

<sup>8</sup>Finlay, *Speakers of the Legislative Assembly*, p. 119; and interview with former Speaker Rowe by Bill Sommerville, Legislative Broadcast and Recording Services, September 1990.

<sup>9</sup>Province of Ontario, Select Committee on Economic and Cultural Nationalism, *Final Report of the Select Committee on Economic and Cultural Nationalism: Cultural Nationalism*, R. D. Rowe, Chairman (Toronto: The Committee, 1975), p. 1.

<sup>10</sup>Separate reports were tabled on economic and on cultural nationalism.

<sup>11</sup>For a more detailed account of the Select Committee's recommendations, see: Province of Ontario, Select Committee on Economic and Cultural

Nationalism, *Final Report of the Select Committee on Economic and Cultural Nationalism: Cultural Nationalism*, 1975 (Toronto: The Committee, 1975), pp. 12-212; and idem, *Final Report of the Select Committee on Economic and Cultural Nationalism: Economic Nationalism*, 1975 (Toronto: The Committee, 1975), pp. 24-32.

<sup>12</sup>"Agencies Shocked by Rowe Report," *Marketing*, 79 (14 October 1974): 1; and Province of Ontario, Select Committee on Economic and Cultural Nationalism, *Interim Report: Advertising and the Advertising Industry*, 1974 (Toronto: The Committee, 1974), p. 9.

<sup>13</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 108, 4th Session, 29th Parliament (Toronto: Legislative Assembly, 1975), p. 133.

<sup>14</sup>Interview with former Speaker Rowe by Bill Sommerville, Legislative Broadcast and Recording Services, September 1990.

<sup>15</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 108, 4th Session, 29th Parliament, p. 133.

<sup>16</sup>Finlay, *Speakers of the Legislative Assembly*, p. 119.

<sup>17</sup>See: *Legislative Assembly Act*, R. S. O. 1990, c. L.10, ss. 87-92, 103.

<sup>18</sup>For a more detailed discussion of the Ontario Commission on the Legislature and its recommendations, see: Province of Ontario, Ontario Commission on the Legislature, *First Report of the Ontario Commission on the Legislature, May 1973* (Toronto: The Commission, 1973), p. 61; idem, *Second Report of the Ontario Commission on the Legislature, December 1973* (Toronto: The Commission, 1973), pp. 10-11, 33; Donald C. MacDonald, "Modernizing the Legislature," *Government and Politics of Ontario*, ed. Donald C. MacDonald, 2nd ed. (Toronto: Van Nostrand Reinhold Ltd., 1980), pp. 81-87; and Graham White, *The Ontario Legislature: A Political Analysis* (Toronto: University of Toronto Press, 1989), pp. 9, 55, 62, 83, 95, 96, 98, 112-113, 124, 158, 187, 193, 227-229.

<sup>19</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario*, p. 441.

<sup>20</sup>Finlay, *Speakers of the Legislative Assembly*, p. 120.

<sup>21</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 110, 1st Session, 30th Parliament (Toronto: Legislative Assembly, 1975), pp. 5-6.

<sup>22</sup>"Injured workers' protest halted by police," *Toronto Star*, 29 October 1975; and Tony Cote, "Punch-up at Queen's Park," *Toronto Sun*, 29 October 1975.

<sup>23</sup>Province of Ontario, Legislative Assembly, *Report by Hon. R. D. Rowe, Speaker, on the incident which took place outside the Legislature on October 28, 1975*, 14 November 1975 (Toronto: The Assembly, 1975), p. 1.

<sup>24</sup>*Ibid.*, pp. 5-6.

<sup>25</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 111, 1st Session, 31st Parliament (Toronto: Legislative Assembly, 1977), pp. 6, 50.

<sup>26</sup>"Russell Rowe," *Peterborough Examiner*, 14 August 1980; and "Rowe won't run for re-election," *Globe and Mail*, 13 August 1980.



*John Edward "Jack" Stokes*



**John Edward "Jack" Stokes**  
**1977-1981**

*Portrait by Lynn Donoghue*

## **JOHN EDWARD "JACK" STOKES**

John Edward "Jack" Stokes was born on 17 February 1923 in the northern town of Schreiber, Ontario, a railway community outside Thunder Bay. After attending local public and secondary schools, Stokes worked as a railway conductor for Canadian Pacific. In 1950, he became chairman of the Local Brotherhood of Railway Trainmen. He held this position for 12 years. It was during this period that he began his distinguished career in public life. In 1959, Stokes began a five-year term as Municipal Hydro Commissioner for the township of Schreiber, and in 1965 he became director of the local Credit Union.<sup>1</sup>

In 1967, the year of Canada's centennial, Stokes took a leave of absence from his railway career to campaign as the New Democratic Party candidate for the newly created riding of Thunder Bay. With only 37 per cent of the popular vote he was elected to the Assembly, and on 14 February 1968, he took his seat in the Chamber. In his inaugural term, Stokes was appointed party whip, a position he held until his appointment as Deputy Speaker in 1975.<sup>2</sup> The member for Thunder Bay was returned to the House by a significantly improved majority in 1971.<sup>3</sup> As a member of the Assembly's Standing Committee on Natural Resources and Tourism (later renamed Resources Development Committee), Stokes championed issues related to the use of the north's abundance of natural resources in areas such as mining and lumbering.<sup>4</sup>

The redistribution of political ridings in 1975 created the constituency of Lake Nipigon. More than 100,000 square miles of rugged northern Ontario terrain, this area stretched from the north shore of Lake Superior to the tip of Hudson Bay. The riding encompassed isolated mining, lumber and railway communities and native settlements that were physically and, at times, politically alienated from the province's political life at Queen's Park.<sup>5</sup> It was for this riding that Stokes campaigned during the 1975 provincial general election. He won the seat easily.<sup>6</sup>

When the province's 30th Legislature convened in Toronto on 28 October 1975, the member for Lake Nipigon was appointed Chairman of the Committees of the Whole House and Deputy Speaker since Premier William Davis' minority government "did not have enough members to fill all of the positions for House officers and committee officers."<sup>7</sup> The 1977 provincial general election had seen Stokes and another Conservative minority returned to the House. The member for Lake Nipigon was again appointed Deputy



Speaker. As Deputy Speaker, Stokes distinguished himself during sessions in which Speaker Russell Rowe was often absent for reasons of poor health.<sup>8</sup> When Rowe resigned the Chair during the 1st session of the 31st parliament his Deputy Speaker succeeded him. On 17 October 1977, Stokes became the first New Democratic member to be elected to the Chair and the second Speaker to come from Opposition benches.<sup>9</sup>

Speaker Stokes presided over a politically tumultuous Assembly. The return of a Conservative minority ensured a government that faced regular challenges to its rule. On at least four occasions during Stokes' term in the Chair, the Opposition sought non-confidence motions on matters ranging from health insurance premiums, to public transit, to the economic conditions in the province. In spite of these attempts to bring the government down, the House did manage to enact several pieces of legislation. The 31st parliament saw passage of legislation to provide for compulsory auto insurance for Ontario's drivers<sup>10</sup> and to implement and to administer the *Occupational Health and Safety Act*.<sup>11</sup>

Stokes once remarked that his rigid schedule as a railway conductor provided "a pretty good foundation" for his term in the Chair.<sup>12</sup> Stokes maintained that it was "the responsibility of the Speaker to make sure that everybody has an opportunity to be heard."<sup>13</sup> To this end, he strove to return order and decorum to the House by limiting the time allowed to ask and to answer original and supplementary questions during the daily question period. Stokes thought such limits would "discourage the long preamble to the question, [and] the editorializing on both sides [of the House]."<sup>14</sup> At times, however, this practice did not sit well with the members. Throughout his term, Stokes came under fire from all three parties for his frequent interruptions during questions and debates. In fact, Donald MacDonald, former leader of the Ontario New Democratic Party, stated that in order to "avoid any public appearance of discriminating in favour of the NDP," it was possible that Stokes was exhibiting an "undue firmness" towards his former caucus members.<sup>15</sup> Despite such allegations, however, it has been suggested that Stokes' term in the Chair did not damage the reputation and authority of the office but rather "raised expectations of the Speaker's impartiality."<sup>16</sup>

In 1981, Stokes campaigned in what was his final provincial election. He was once again returned to the Assembly as the member for Lake Nipigon.<sup>17</sup> Five days later, Premier Davis informed Stokes that, upon the opening of the 32nd parliament, he would not be nominated for a second



term in the Chair. With a majority in the House, Davis returned to the tradition of installing a member of the government party as Speaker. While many individuals expressed outrage at the Premier's treatment of Stokes,<sup>18</sup> the former Speaker resumed his seat in the House and his role as NDP critic for Northern Affairs.<sup>19</sup>

Citing his wife's failing health and a desire to devote his full energies to native issues and to those of the Third World, Stokes retired from provincial politics in 1984.

### Notes

<sup>1</sup>"Biography: Jack Stokes, MPP Lake Nipigon," *New Democrats: Press Release*, April 1913; and Kathleen Finlay, *Speakers of the Legislative Assembly of Ontario, 1867-1984* (Toronto: Legislative Library, Research and Information Services, 1985), p. 121.

<sup>2</sup>Interview with former Speaker Stokes by Bill Somerville, Legislative Broadcast and Recording Services, September 1990.

<sup>3</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario, 1867-1982: Candidates and Results with Statistics from the Records*, comp. Office of the Chief Election Officer (Toronto: Office of the Chief Election Officer, 1985), p. 484; and *Legislators and Legislatures of Ontario*, vol. 3: 1930-1984, comp. Debra Forman (Toronto: Legislative Library, Research and Information Services, 1985), p. 156.

<sup>4</sup>See: Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 102, 1st Session, 28th Parliament (Toronto: Legislative Assembly, 1968), pp. 19-20; idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 106, 2nd Session, 29th Parliament (Toronto: Legislative Assembly, 1972), p. 17; and idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 108, 4th Session, 29th Parliament (Toronto: Legislative Assembly, 1975), p. 16.

<sup>5</sup>Finlay, *Speakers of the Legislative Assembly*, p. 121.

<sup>6</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario*, p. 484.

<sup>7</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 110, 1st Session, 30th Parliament (Toronto: Legislative Assembly, 1975), p. 10; interview with former Speaker Stokes by Bill Sommerville, Legislative Broadcast and Recording Services, September 1990; and "Stokes named Deputy Speaker, have to be more restrained," *Thunder Bay Chronicle Journal*, 29 October 1975.

<sup>8</sup>Eric Dowd, "Speaker of the legislature overstepping his mandate," *London Free Press*, 29 March 1978.

<sup>9</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 111, 1st Session, 31st Parliament (Toronto: Legislative Assembly, 1977), p. 50; Graham White, *The Ontario Legislature: A Political Analysis* (Toronto: University of Toronto Press, 1989), p. 55; Finlay, *Speakers of the Legislative Assembly*, p. 122; and "Arbiter Stokes: sometimes a hero, sometimes a bum," *Thunder Bay Chronicle Herald*, 10 November 1980.

<sup>10</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 113, 3rd Session, 31st Parliament (Toronto: Legislative Assembly, 1979), pp. 186, 209, 219, 222, 223, 225.

<sup>11</sup>Idem, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 112, 2nd Session, 31st Parliament (Toronto: Legislative Assembly, 1978), pp. 12, 13, 281, 283.

<sup>12</sup>Interview with former Speaker Stokes by Bill Somerville, Legislative Broadcast and Recording Services, September 1990.

<sup>13</sup>Ibid.

<sup>14</sup>"Arbiter Stokes: sometimes a hero, sometimes a bum," *Thunder Bay Chronicle Herald*, 10 November 1980.

<sup>15</sup>Barbara Yaffe, "Ontario Speaker to keep tighter rein on MPPs," *The Globe and Mail*, 7 September 1978.

<sup>16</sup>White, *The Ontario Legislature: A Political Analysis*, p. 55.

<sup>17</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario*, p. 484.

<sup>18</sup>See: Winsor, "A Chance to show class," *The Globe and Mail*, 14 April 1981; Chris Silman, "High praise for Stokes," *Thunder Bay Chronicle Journal*, 24 April 1981; and "Stokes out as speaker; Foulds outraged by Davis' decision," Brodie Resource Library Collection.

<sup>19</sup>Finlay, *Speakers of the Legislative Assembly*, pp. 122-123.



*John Melville Turner*



**John Melville Turner**  
**1981-1985**

*Portrait by Cleeve Horne*

## JOHN MELVILLE TURNER

Presiding over the province's Assembly can be troublesome for even the most experienced individual. The need to control what can be a boisterous Chamber and to rule on questions of procedure and points of order often demand that the Speaker consult both the established body of works on parliamentary procedure and his own knowledge of such issues. While the majority of Speakers are prepared for this eventuality through their experiences as Chairmen of House committees or as Deputy Speakers, such groundwork is not a prerequisite for the Chair. Indeed, the example of John Melville Turner provides an interesting look into the problems an uninitiated individual can face from the members when elected to the office of Speaker.

Turner was born in Peterborough, Ontario on 24 September 1922. He attended Peterborough's Central Public School and Lakefield Preparatory School. Upon graduation, he enlisted with the Royal Canadian Air Force. By the time of his discharge in 1945, Turner had completed 34 trips over Europe as a gunner with the Bomber Command.<sup>1</sup>

Upon his return from active duty in 1946, Turner devoted most of his attention to running the plumbing and heating business that had been established by his grandfather. It was also at this time that Turner received his first public appointment as a member of the Advisory Vocational Committee of the Peterborough Board of Education. The late 1960s and early 1970s saw the future Speaker become further involved in Peterborough's political and social life. Between 1969 and 1971 he served as a member of the Peterborough City Council, the County-City Health Unit, and the Board of Governors of the city's St. Joseph's General Hospital.<sup>2</sup>

In 1971, Turner resigned his municipal positions and secured the Progressive Conservative nomination for the provincial riding of Peterborough. Turner successfully campaigned for the seat and defeated the NDP incumbent with 42.7 per cent of the popular vote.<sup>3</sup> During his freshman term, the member for Peterborough served on the Legislature's Standing Committees on Procedural Affairs and Regulations.<sup>4</sup> He was also appointed parliamentary assistant to the Provincial Secretary for Justice in 1974.<sup>5</sup>

Although he was not returned to the Assembly in 1975, Turner's political fortunes improved in 1977 when he managed to regain the seat from the NDP incumbent, Gillian Sandeman.<sup>6</sup> When he resumed his seat in the Assembly, Turner also resumed his participation in the daily business of the



House. In 1978, he was appointed parliamentary assistant to Dennis Timbrell, then Minister for Health. In the same year, Turner sat as a member of the Assembly's Select Committee on Health-Care Financing and Costs.<sup>7</sup>

The province was sent to the polls in the spring of 1981 and returned a Conservative majority to the Assembly. Turner had little difficulty keeping his seat, defeating five other candidates.<sup>8</sup> In the previous parliament -- a minority government -- Jack Stokes, a member of the NDP, had presided over the Chamber. With the security of a majority government to back his decision, Premier William Davis followed the tradition of nominating an individual from his own backbenches for the position of Speaker. Only three days before the opening of the 32nd parliament, Davis telephoned Turner to offer him the Speakership.

This proposal caught both Turner and the leaders of the opposition by surprise. Traditionally premiers consulted leaders of the opposition over the choice of a Speaker. In the case of Turner's nomination, however, opposition leaders were not informed of Davis' choice until the afternoon the new legislature was to open. Davis' unilateral action sparked protests from the Liberal and New Democratic leaders. Furthermore, Turner had never, in his parliamentary career, chaired a committee and had little experience in or knowledge of procedural matters.<sup>9</sup> Nonetheless, John Turner was elected to the Speakership when the Assembly convened on 21 April 1981.<sup>10</sup>

Turner's term in the Chair was a turbulent one, reflecting the fractious nature of the House. Early into the Assembly's first session this turbulence manifested itself in the daily debates and Speaker Turner ejected Liberal leader Stuart Smith following remarks he made in the course of an emotional and heated discussion of the Re-Mor Investment affair.<sup>11</sup> Similar actions involving NDP leader Michael Cassidy later in the same sitting raised questions about Turner's ability to control the House and his future in the Chair.<sup>12</sup>

The most serious challenge to Speaker Turner came on 16 November 1981. On this date, the New Democratic party initiated a motion of censure against the Speaker on the critical issue of confidence. Turner had left himself open to this criticism when, some days earlier, he had presented cheques on behalf of the government in a Liberal riding.<sup>13</sup> Although rare in the province of Ontario, motions of censure against the Speaker had occurred in other provincial legislatures, including Saskatchewan and Alberta.<sup>14</sup> Speaker



Turner was able to emerge from the confrontation with the support of government and opposition members.<sup>15</sup>

Turner was returned to the Assembly in 1985, beating his NDP opponent by more than 5,000 votes.<sup>16</sup> During what was his final term in the Assembly, he focused his attention on several issues, the most noteworthy of which was the redefinition of political riding boundaries. The Ontario Electoral Boundaries Commission tabled its final report in March of 1986. Although he would later apologize for the remark, Turner initially criticized the report for what he thought was a recommendation to remove the area of East City from his riding of Peterborough. After learning the report made no such recommendation, Turner withdrew his remarks.<sup>17</sup>

Stating that reasons for his decision were hard to describe, Turner chose not to seek re-election in 1987 and left provincial politics. The former Speaker retired to his home in the Peterborough constituency he had represented for over a decade and devoted himself to community service.<sup>18</sup>

## Notes

<sup>1</sup>"John Turner, MPP -- Peterborough," *Press Release*, November 1977; and Kathleen Finlay, *Speakers of the Legislative Assembly of Ontario, 1867-1984* (Toronto: Legislative Library, Research and Information Services, 1985), p. 124.

<sup>2</sup>*Ibid.*

<sup>3</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario, 1867-1982: Candidates and Results with Statistics from the Records*, comp. Office of the Chief Election Officer (Toronto: Office of the Chief election Officer, 1985), p. 506.

<sup>4</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 106, 2nd Session, 29th Parliament (Toronto: Legislative Assembly, 1972), p. 17.

<sup>5</sup>"John Turner, MPP -- Peterborough," *Press Release*, November 1977; and Finlay, *Speakers of the Legislative Assembly*, p. 124.

<sup>6</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario*, p. 506.

<sup>7</sup>Finlay, *Speakers of the Legislative Assembly*, p. 125.

<sup>8</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario*, p. 506.

<sup>9</sup>Susan Wheeler, "John Turner takes post as house speaker," *Peterborough Examiner*, 21 April 1981; "Tory MPP to replace Stokes as House Speaker," *Globe and Mail*, 21 April 1981; Chris Silman, "New speaker Turner felt like bride," *Peterborough Examiner*, 22 April 1981; Donald C. MacDonald, "Better way needed for Ontario to pick its House Speaker," *Globe and Mail*, 5 May 1981; and Christie McLaren, "Speaker seen as methodical, painstaking," *Globe and Mail*, 16 November 1981.

<sup>10</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 115, 1st Session, 32nd Parliament (Toronto: Legislative Assembly, 1981), p. 5.

<sup>11</sup>*Ibid.*, pp. 86, 247; and Finlay, *Speakers of the Legislative Assembly*, pp. 125-126.

<sup>12</sup>See: Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 115, 1st Session, 32nd Parliament, pp. 156, 168, 215; Graham White, *The Ontario Legislature: A Political Analysis* (Toronto: University of Toronto Press, 1989), p. 57; and Finlay, *Speakers of the Legislative Assembly*, p. 126.

<sup>13</sup>Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 115, 1st Session, 32nd Parliament, pp. 187-188; and White, *The Ontario Legislature: A Political Analysis*, p. 57.

<sup>14</sup>Finlay notes that the Speaker of the Saskatchewan Legislature, John Brockelbank, faced three separate motions of censure between 1980 and 1981 while Gerard Amerongen, Speaker of the Legislative Assembly of Alberta, faced a motion of censure in 1981. See: Finlay, *Speakers of the Legislative Assembly*, p. 126.

<sup>15</sup>Although Turner's direction was challenged and put to a vote of the members, his actions were upheld by a vote of 57 to 44. Province of Ontario, Legislative Assembly, *Journals of the Legislative Assembly of the Province of Ontario*, vol. 115, 1st Session, 32nd Parliament, p. 87.

<sup>16</sup>Jim Hendry, "Peterborough-area ridings return all four incumbents: three Tories, one Liberal," *Peterborough Examiner*, 3 May 1985; Craig Harris, "Figures show Turner spent most in '85 riding campaign," *Peterborough Examiner*, 7 January 1986.

<sup>17</sup>"Final proposals released for Ontario boundary changes," *Peterborough Examiner*, 5 March 1986; and "Turner says he erred," *Peterborough Examiner*, 6 March 1986.

<sup>18</sup>"MPP John Turner will not run again," *Peterborough Examiner*, 2 May 1987; Marc Vincent, "Turner not certain about plans for future," *Peterborough Examiner*, 21 May 1987.



*Hugh Alden Edighoffer*



**Hugh A. Edighoffer**  
**1985-1990**

*Portrait by Istvan Nyikos*

## **HUGH ALDEN EDIGHOFFER**

Hugh Alden Edighoffer was born in Stratford, Ontario on 22 July 1928. He resided with his family in Mitchell, a town on this city's outskirts and it was here that he received his elementary education. During the course of his secondary education, Edighoffer attended both the local high school in Mitchell and Pickering College in Newmarket. Upon graduation from the latter, he returned to his home town and began a career as a retail merchant, continuing in the family clothing business that had been established by his grandfather in 1924.<sup>1</sup>

The years between the outset of his retail career and his entrance into provincial politics were not idle ones. Like his father and grandfather, Edighoffer became involved in several of the local service clubs including the Chamber of Commerce and the Lions Club. He continues these associations to the present day.<sup>2</sup> Considering his interest in and inclination towards public service, it is not surprising that his interests also focused on local politics. During the 1950s and early 1960s, Edighoffer held various municipal offices including a five year term on the Mitchell Planning Board. In 1958 and 1959, he served as a town Councillor and in 1960 and 1961 was elected Mayor of Mitchell.<sup>3</sup>

Edighoffer's initial foray into provincial politics came in 1963; despite the fact that he received almost 40 per cent of the votes cast for the riding of Perth in this provincial general election he was defeated. His second attempt was more successful and he was elected to the Legislative Assembly in 1967, winning the seat by 184 votes. This initial victory was to prove the closest in his 30 year political career.<sup>4</sup> He was returned to the House in 1971 and in 1975, each time with a progressively larger margin of popular support. This trend continued and during the general election of 1977, Edighoffer garnered almost 70 percent of the votes cast in the riding of Perth -- the largest plurality in the province at the time.<sup>5</sup>

Upon his return to the House, he assumed new responsibilities; in February of 1978 he became Deputy Speaker and Chairman of the Committee of the Whole House. He held these positions until 1981. In this capacity, Edighoffer attended the Canadian Regional Parliamentary Conferences in 1979 and 1980 as well as the Commonwealth Parliamentary Conference held in Jamaica in 1978. Edighoffer had little difficulty retaining his seat in the 1981 provincial general election. In what was becoming typical form, the member for Perth received more than double the number of votes cast for his



closest rival and lost only three of a total of 177 polls in the riding.<sup>6</sup> In the same year, he became Chairman of the Liberal caucus, a position he held until his election to the Speakership in 1985.<sup>7</sup>

In 1985, Edighoffer easily won re-election, defeating his closest rival by more than 14,000 votes. Shortly after his election, speculation surfaced as to the possibility of his candidacy for the office of Speaker. Journalists noted that Edighoffer had several qualifications for the post; the most apparent of these qualifications was that he had served as Deputy Speaker and would therefore be acquainted with the duties of the Chair. More important, he had served as Deputy Speaker during a minority government and, as the situation faced by the government in 1985 was similar, Edighoffer's familiarity with the problems and procedural difficulties relative to such circumstances would be an asset.<sup>8</sup> When it became apparent that the Liberals and New Democrats would not support the nomination of a Conservative member for the Speakership, Edighoffer's nomination and election to the Chair seemed merely a matter of course.<sup>9</sup> The speculation was soon confirmed. On 4 June 1985, the man who many people felt was "one of the most non-partisan politicians at Queen's Park" became the second Speaker of the Legislative Assembly<sup>10</sup> to be elected from the ranks of the opposition. Two weeks later, Conservative Premier Frank Miller's government fell after a Liberal-NDP motion of non-confidence. Liberal leader David Peterson succeeded Miller as Ontario's 20th Premier.<sup>11</sup>

Impartiality became the watchword for Edighoffer's initial term as Speaker. Indeed, his promise of fulfilling the duties of Speaker in "a fair, impartial but firm manner" was tested several times during the course of the 33rd parliament (1985-1987).<sup>12</sup> The first test came with the fall of the Miller administration only weeks after Edighoffer was elected to the Chair. Due to this event, Edighoffer found himself presiding over a different Assembly, one in which a Liberal-New Democratic accord dominated and one in which his actions as Speaker would be more closely scrutinized.<sup>13</sup> The first test of the new Speaker's impartiality in the House came in January 1986 when Edighoffer was forced to cast the deciding vote when the voting on a private member's resolution resulted in a deadlock. In the history of the Ontario Legislature, such a situation was rare and had not occurred since the early twentieth century. In response to a lengthy teachers' strike in Wellington County, William Davis, the Conservative Member for the riding of Scarborough Centre, moved that a committee be established to review the *School Boards and Teachers Collective Negotiations Act of 1975* to ensure that contract negotiations be conducted with the least possible disruption to



the academic year. Edighoffer was forced to resolve the impasse and to cast a decisive vote on the issue. He cast his support behind the motion so that the House could go on to other issues: "the matter could be debated another day,"<sup>14</sup> he said.

During the following session, Edighoffer was asked to rule regarding a question of breach of privilege of the House. While it is not the purview of a Speaker of the Legislature to rule on whether a breach of privilege has been committed, he is required to decide whether such allegations "could reasonably be held to constitute a breach of privilege and therefore take precedence over other business of the House."<sup>15</sup> On 5 June 1986 the member for Brantford, Phil Gillies, rose on a question of privilege with respect to press reports containing details of legislation not yet disclosed in the House.<sup>16</sup> In his ruling, Edighoffer noted that while he understood the distinction the member was attempting to make, precedent showed that

parliamentary privilege does not extend and never has extended to requiring policy statements or announcements to be made in the House, regardless of the importance of the subject.<sup>17</sup>

He added that while the matter "may constitute a legitimate grievance and certainly [does] involve a question of courtesy," no cases could be found to indicate that it is a breach of privilege for members of the government to "publicly announce its intentions with respect to amendments and legislation before the House." Thus, he concluded that the occurrence in question did not constitute a question of privilege.<sup>18</sup>

Other issues and innovations also marked Edighoffer's initial term as Speaker. For example, he presided over the debates concerning amendments to the Ontario Human Rights Code which would protect homosexuals from discrimination.<sup>19</sup> Despite objections from several members of the Assembly, the televising of House proceedings "from gavel to gavel" also occurred during this period.<sup>20</sup> Modern technology was further integrated into the Legislative Assembly under Speaker Edighoffer as, in his capacity as Chair of the Board of Internal Economy, he oversaw the implementation of the electronic *Hansard*.<sup>21</sup>

Edighoffer sought re-election during the 1987 provincial general election and was returned to the House with a sizable mandate. He was also re-elected

to the Chair on 3 November 1987, thus becoming only one of three individuals since the nineteenth century to have served more than one term as Speaker of the Ontario Legislature.<sup>22</sup> During this second term, Edighoffer was once again faced with decisions of procedure as well as the more mundane daily occurrences of the Assembly. Perhaps one of the most significant events during this period was the change in the Standing Orders of the House. The amendments, which took effect on 9 October 1989, encompassed almost every aspect of the business of the House including the conduct of emergency and special debates. Of particular interest were the provisions made in section three which set out the procedure for the nomination of members for the Office of Speaker of the House and for the election by secret ballot by which future Speakers would be chosen.

Another significant development was the designation of the Parliamentary Precinct. On 1 October 1988 a Memorandum of Understanding was signed between the Ministry of Government Services and the Office of the Speaker that transferred responsibility for the Legislative Building and its grounds to the Speaker. This action increased both the Speaker's administrative obligations as well as the Office's independence.<sup>23</sup> In response to this event, a five member Special Committee on the Parliamentary Precinct was established in March of 1989 to develop and to implement plans for the restoration and renovation of the parliamentary building and its precinct.<sup>24</sup>

On 23 July 1990, stating that he believed it was time "to allow other active, knowledgeable and interested candidates the opportunity to serve the Riding of Perth," Hugh Edighoffer announced that he would not seek re-election in the next general election. Under s. 33 of the *Legislative Assembly Act*, which provides for the smooth and continual administration of the business of the Assembly, Edighoffer remained Speaker of the House until a new Speaker could be chosen. On 6 September 1990 a New Democratic majority government was elected and Edighoffer became the first Speaker to serve under Conservative, Liberal and New Democratic administrations.

### Notes

<sup>1</sup>Legislative Assembly, "Biography of the Hon. Hugh Edighoffer, M.P.P. (Perth), Speaker of the Ontario Legislature," *Press Release*, October 1987; *Canadian Parliamentary Guide*, 1989, ed. Pierre G. Normandin (Toronto: The Globe and Mail for Info Globe, 1989), pp. 890-891; and Judy and Dean

Robinson, *Mitchell: A Reflection* (Erin, Ontario: The Boston Mills Press, 1987), p. 29.

<sup>2</sup>Telephone interview with Hugh McCaughy, President-elect, Mitchell Lion's Club (District A9), 5 July 1990; and Mr. Zwarts, President, Mitchell Chamber of Commerce, 5 July 1990.

<sup>3</sup>Telephone interview with Donald Eplett, Clerk, Municipality of Mitchell, 19 July 1990.

<sup>4</sup>It has been noted that until Mr. Edighoffer won the seat in 1967, the constituents of Perth had voted Conservative on a regular basis. See: Mike Strathdee, "Opponents say 18-year Liberal hold on Perth is too long," *Kitchener-Waterloo Record*, 23 April 1985.

<sup>5</sup>Ontario, Elections Ontario, *Electoral History of Ontario: Candidates and Results with Statistics from the Records, 1867-1982*, comp. Office of the Chief Election Officer (Toronto: Office of the Chief Election Officer, 1985), p. 144; and Mike Strathdee, "'Landslide' Edighoffer lives up to nickname in Perth," *Kitchener-Waterloo Record*, 3 May 1985.

<sup>6</sup>John Matsui, "Edighoffer wins easily," *London Free Press*, 20 March 1981.

<sup>7</sup>"Hugh Edighoffer selected as legislature speaker," *Mitchell Advocate*, 12 June 1985.

<sup>8</sup>Strathdee, "'Landslide' Edighoffer lives up to nickname in Perth," *Kitchener-Waterloo Record*.

<sup>9</sup>Bill Walker, "Miller expected to name Liberal as new Speaker," *Toronto Star*, 4 June 1985.

<sup>10</sup>"Liberal Edighoffer, 56, to be named Speaker," *Sault Ste. Marie Star*, 4 June 1985.

<sup>11</sup>John Cruickshank, "It's over: Tory dynasty toppled," *Globe and Mail*, 19 June 1985, p. 1.

<sup>12</sup>See: Nick Martin, "Tough but fair approach promised as Perth MPP becomes Speaker," *Kitchener-Waterloo Record*, 5 June 1985.



<sup>13</sup>Interview with Hugh Edighoffer by Bill Sommerville, Legislative Broadcast and Recording Service, September 1990.

<sup>14</sup>Ontario, Legislative Assembly, *Hansard: Official Report of Debates*, 33rd Parliament, 1st Session (16 June 1986): 185-186; and "Rare tie forces Speaker to vote," *Globe and Mail*, 17 January 1986.

<sup>15</sup>Hugh Edighoffer, "Speaker's Ruling: Premature disclosure of government policy, Speaker Hugh Edighoffer, 10 June 1986," *Canadian Parliamentary Review* (Winter 1986-1987): 43. See also: *Beauchesne's Rules & Forms of the House of Commons of Canada*, 6th edition, ed. A. Fraser, W. F. Dawson and J. A. Hotlby (Toronto: Carswell, 1989), paragraph 117.

<sup>16</sup>For a more detailed account of the incident in question, see: Ontario, Legislative Assembly, *Hansard: Official Report of Debates*, 33rd Parliament, 2nd Session (5 June 1986).

<sup>17</sup>Edighoffer, "Speaker's Ruling," p. 43.

<sup>18</sup>*Ibid.*

<sup>19</sup>See: Ontario, Legislative Assembly, *Hansard: Official Report of Debates*, 33rd Parliament, 1st Session (2 December 1986).

<sup>20</sup>Interview with Hugh Edighoffer by Bill Sommerville, Legislative Broadcast and Recording Service, September 1990.

<sup>21</sup>"Hugh Edighoffer, M.P.P. (Perth)," *Press Release*, 5 October 1987.

<sup>22</sup>The other Speakers who have served more than one term are Charles Clarke (1880-1886) and Myddryn Cooke Davies (1949-1955). See: White, *The Ontario Legislature*, p. 55.

<sup>23</sup>According to Mr. Edighoffer, similar transfers have already taken place in both the House of Commons in Ottawa and in Westminster. See: Interview with Hugh Edighoffer by Bill Somerville, Legislative Broadcast and Recording Services, September 1990.

<sup>24</sup>Interview with Hugh Edighoffer by Bill Somerville, Legislative Broadcast and Recording Services, September 1990.

*David William Warner*



**David William Warner**  
**1990-**

*Photograph by Robert E. Leonard*  
*Legislative Photographer*



## **DAVID WILLIAM WARNER**

With the election of David William Warner to the office of Speaker on 19 November 1990, the Legislature of Ontario turned yet another page in its history.<sup>1</sup> Although the election of a Speaker from a pool of two or more candidates had been commonplace in the pre-Confederation Assemblies of Upper Canada and the United Provinces, after 1867 this practice was replaced by the nomination of an individual by the Premier. In general, this nomination was seconded by the leader of the Province's official opposition party and, consequently, the nominee was "unanimously" elected to the Chair. Thus, while the modern process has retained a semblance of its earlier character, since 1867 the selection of the Speaker of the Legislative Assembly of Ontario has resembled more a governmental appointment than a true electoral contest.<sup>2</sup> The events of November 1990, therefore, are of tremendous importance in the evolution of the office of the Speaker and its independence.

David Warner was born in Toronto on 18 November 1941, the fourth Speaker to be a native of the province's capital. He received his early education at Northlea Public School and later attended Agincourt Collegiate graduating in 1961. After graduation from high school, Warner enrolled at Carleton University, Ottawa, where he majored in English. He did not complete his undergraduate studies at Carleton, however, but chose to leave the university to attend teacher's college in Toronto. Warner was awarded his Teacher's Certificate in 1964 and, although actively pursuing a career as a grade-school teacher, enrolled in York University, Toronto, graduating in 1972 with a bachelor of arts degree in English.<sup>3</sup>

As a result of the tumultuous political climate at Carleton University in the early 1960s, Warner came away from this institution with a keener interest in national and international politics.<sup>4</sup> His participation in electoral politics began in 1966 when he became involved with the New Democratic party in a federal election in Etobicoke. His experience as a canvasser can be credited with convincing Warner to become more directly involved in the politics of a riding association and of the province as a whole. In 1975 the provincial riding of Scarborough-Ellesmere was formed and David Warner became the President of the Scarborough-Ellesmere riding association. He was the New Democratic Party candidate for this constituency in that year's provincial general election.



Warner was elected to the Legislative Assembly of Ontario in 1975, winning 39 per cent of the popular vote in his constituency.<sup>5</sup> Shortly after his entry into the House, his experience and expertise in education were quickly put to use by the New Democrats and the freshman member was appointed the third-party critic for Colleges and Universities. He held this position until 1979. Warner was returned to the House in 1977. Perhaps in recognition of his involvement in the workings of the House, Warner's caucus responsibilities were augmented during his second term in the Assembly. From 1978 until 1981, he held the position of Chief Caucus Whip;<sup>6</sup> in addition, he served as the critic for Metropolitan Toronto Affairs from 1977-1979 and, in 1979, became the New Democratic critic for the Ministry of the Attorney General.<sup>7</sup> In 1979 he also served on the Select Committee on Health Care Costs.<sup>8</sup> As a result of these many responsibilities, Warner often participated in the Assembly's daily debates. Indeed, during the course of the 31st parliament he championed issues ranging from the legal drinking age<sup>9</sup> to the rent review process.<sup>10</sup>

Perhaps the most memorable, if not the most colourful, of his debates concerned the government's health care agenda, in particular the Conservative government's intention to increase individual premium payments to the Ontario Health Insurance Plan (OHIP) by 37 per cent. Warner suggested that such action not only went against Standing Order 86 of the House but, more important, was in conflict with sections 54 and 90 of the *British North America Act*. These sections stated that no tax could be imposed without the passage of appropriate legislation.<sup>11</sup> To support his argument, Warner even went so far as to cite the *Magna Carta* as an early and time-honoured example of the embodiment of this democratic principle. He argued that as the government seemingly intended to use this increase as a source of tax revenue, it would be necessary for appropriate legislation to be presented and debated in the House.<sup>12</sup> While the Speaker did not rule in favour of Warner's challenge of the constitutionality of the government's actions, Warner continued his fight against the increase, even distributing buttons bearing the inscription "No taxation without legislation." In the end, Warner's methods were successful and the Conservatives decided against implementing such measures.

It was also during this parliament that Warner and other members of the House concerned themselves with the issue of the Canadian constitution. At the time, the possibility of Quebec's separation from Canada prompted several members to express their concerns regarding Ontario-Quebec relations and national unity. During discussion, Warner often spoke of his

belief in the need to strengthen the bond between all provinces and, in particular, to create a better political and social understanding between the inhabitants of Ontario and Quebec.<sup>13</sup>

In spite of his great responsibilities and activities in the Assembly, Warner was not returned for a third term as member for Scarborough-Ellesmere in the 1981 provincial general election. During this time, however, he did not remain idle but returned to the classroom to pursue his teaching career.<sup>14</sup> In the 1985 provincial election, Warner again ran as the New Democratic Party candidate for Scarborough-Ellesmere and was returned for a third term in the Assembly.<sup>15</sup> Until his defeat in the 1987 general election, he served on several Legislative committees including the Standing Committees on the Administration of Justice and Procedural Affairs. In addition to these responsibilities, Warner avidly participated in the daily business of the House and, over the course of this parliament, addressed issues such as social services for the elderly, urban poverty, acid rain and the availability of daycare in the province. In March 1987, Warner and other members of the House went on a fact finding mission to Nicaragua; his observations and findings were published in diary form in the *Canadian Parliamentary Review* later that year.<sup>16</sup>

Although Warner was not returned to the House in the general election of 1987, he was re-elected as the member for Scarborough-Ellesmere in the New Democratic Party's landslide victory of September 1990. On 19 November 1990, he became the first Speaker elected by secret ballot of the Legislative Assembly of the Province of Ontario. Although several individuals have questioned the elective process as a means for determining who should occupy the Chair, the election can only enhance the Speaker's independence, power and position in the Assembly.

As Speaker, Warner not only presides over the members in the Chamber but, like previous Speakers, oversees the daily administrative functions of the Assembly. In light of this responsibility, Speaker Warner's goals are to establish a more civilized atmosphere in the House and to eliminate the need to eject members from the House for any reason. Furthermore, he hopes to establish a better relationship with the people and National Assembly of Quebec through the creation of a special, all-party bilateral committee.<sup>17</sup>

In addition to his service in the Legislative Assembly, Warner is currently involved with several local community projects. He has served as the Chairperson of Agincourt Community Services, has been a member of the

Board of Directors of Youth Assisting Youth and was the Chairperson of Scarborough Community Legal Services from 1981-1985 and 1987-1990.

### Notes

<sup>1</sup>For a detailed account of Warner's election, see: Gene Allen, "MPPs elect Speaker," *Globe and Mail*, 20 November 1990; Derek Ferguson, "NDP's Warner elected Speaker," *Toronto Star*, 20 November 1990; Emilia Casella, "Speaker chosen by vote for first time," *Hamilton Spectator*, 20 November 1990; and "Elected Speaker promises to keep MPPs thoughtful," *Windsor Star*, 20 November 1990.

<sup>2</sup>At the federal level, the first direct election of the Speaker of the House of Commons occurred on 30 September 1986. It took 11 ballots and 12 hours before John Fraser was elected to the Chair. See: Gary Levy, "A Night to Remember: The First Election of a Speaker by Secret Ballot," *Canadian Parliamentary Review*, 9, No. 4 (Winter 1986-1987): 10-14.

<sup>3</sup>"David Warner, M.P.P. (Scarborough Ellesmere)," *Press Release*, December 1975; and interview with Hon. David Warner, Speaker of the Legislative Assembly of Ontario, 12 December 1990.

<sup>4</sup>Interview with Hon. David Warner, Speaker of the Legislative Assembly of Ontario, 12 December 1990.

<sup>5</sup>Province of Ontario, Elections Ontario, *Electoral History of Ontario* (Toronto: Office of the Chief Election Officer, 1985), p. 517.

<sup>6</sup>See: Sylvia Stead, "Question Period: chance to bait ministers not a foolproof lure," *Globe and Mail*, 7 July 1980.

<sup>7</sup>Pat Crowe, "Non-Lawyer bones up for job as NDP's legal watchdog," *Toronto Daily Star*, 14 March 1979.

<sup>8</sup>See: Barbara Yaffe, "Thousands neglect to claim assistance with cost of OHIP," *Globe and Mail*, 22 August 1978; "Politicians billed for constituents' records," *Globe and Mail*, 16 September 1978.



<sup>9</sup>Province of Ontario, Legislative Assembly, *Debates*, 2nd Session, 31st Parliament, pp. 3382-3387.

<sup>10</sup>Province of Ontario, Legislative Assembly, *Debates*, 2nd Session, 31st Parliament, pp. 1203-1205, 2072-2073, 2777-2778, 2788, 2822-2823, 2825, 3246, 4867-4870, 5571, 5634; and Richard Furness, "Opposition stands ground on rent bill," *Globe and Mail*, 21 June 1979.

<sup>11</sup>For a more detailed discussion of the contents of these sections, see: Peter W. Hogg, *Constitutional Law of Canada*, 2nd Edition (Toronto: Carswell, 1985), pp. 38, 87, 90-91, 203, 287-288.

<sup>12</sup>Province of Ontario, Legislative Assembly, *Debates*, 2nd Session, 31st Parliament, pp. 498-501, 578-579, 584, 613, 624, 669-670, 986, 1011-1014, 1187-1189, 1832; idem, *Debates*, 3rd Session, 31st Parliament, pp. 629-632, 1401-1402, 4221-4222; idem, *Debates*, 4th Session, 31st Parliament, pp. 2879-2880; and "A statement by David Warner, M.P.P. (Scarborough Ellesmere) on his Private Members' Bill to have O.H.I.P. Premiums set by way of legislation," *NDP Caucus Press Release*, 30 March 1978.

<sup>13</sup>Province of Ontario, Legislative Assembly, *Debates*, 2nd Session, 31st Parliament, pp. 2091-2093, 2821-2822, 2824; and idem, *Debates*, 3rd Session, 31st Parliament, pp. 4221-4222.

<sup>14</sup>Vianney Carriere, "The Losers: for ex-MPPs, its's limelight to limbo," *The Globe and Mail*, 24 August 1981.

<sup>15</sup>Stan Josey, "Comeback by NDPer knocks out minister," *Toronto Star*, 3 May 1985; electoral results reference.

<sup>16</sup>See: David Warner, "Visit to Nicaragua," *Canadian Parliamentary Review* 10, No. 2 (Summer 1987): 13-16.

<sup>17</sup>Interview with Hon. David Warner, Speaker of the Legislative Assembly of Ontario, 12 December 1990.

## Appendix: Speakers of the Legislative Council

### The Province of Upper Canada, 1792-1841

*The Constitutional Act, 1791*, established a bicameral legislature for the Province of Upper Canada which included an elected House of Assembly and a Legislative Council appointed for life by the Lieutenant-Governor. The Legislative Council was to have at least seven members and be presided over by a Speaker who was to be named by the Lieutenant-Governor. Many of its Members were also appointed to the Executive Council, an advisory council to the Lieutenant-Governor which was not responsible to the Assembly. The two councils reported to the Lieutenant-Governor and membership often overlapped.

Of the eleven speakers of the Legislative Council during this period, all but Richard Cartwright and the two *pro tem* speakers, James Jacques Baby and Jonas Jones, had been or were also members of the Executive Council; and all but Peter Russell, Richard Cartwright and the aforementioned two *pro tem* speakers were concurrently Chief Justice of the Court of King's Bench, the highest court of the province. While it has been possible to affirm the dates of appointment of the Speakers, the dates on which they ceased to hold that office are not available in most cases.

#### Speakers of the Legislative Council of the Province of Upper Canada:

William Osgoode	10 September 1792.
Peter Russell	6 July 1795.
John Elmsley	23 December 1796.
Henry Allcock	4 January 1803 - 1804.
Richard Cartwright	30 January 1805 - 1806.
Thomas Scott	13 January 1807.
William Dummer Powell	21 March 1816.
James Jacques Baby (pro tem)	17 - 20 January 1825; 1828-1829.
William Campbell	17 October 1825.
John Beverley Robinson	2 January 1830.
Jonas Jones (pro tem)	2 February 1839.

Source: Campbell, Wilfred. "A List of Members of the House of Assembly for Upper Canada from 1792, to the Union in 1841," in *Proceedings and Transactions of the Royal Society of Canada*, Meeting of September, 1910, 3rd Series, vol. 4 (Ottawa: The Society, 1911), 169-190.

## Appendix: Speakers of the Legislative Council

### The Province of Canada, 1841-1867

In 1840, the British Parliament passed *The Union Act* reuniting the provinces of Upper Canada and Lower Canada in a single government known as the Province of Canada. Under the provisions of the Act, which came into force on 10 February 1841, a bicameral legislature was retained with a Legislative Council and a Legislative Assembly. The Legislative Council consisted of not fewer than twenty members and its Speaker was appointed by the Governor of the Province of Canada.

Speakers of the Legislative Council of the Province of Canada:

Robert Sympson Jameson	10 June 1841 - 6 November 1843.
René-Edouard Caron	8 November 1843 - 19 May 1847; 11 March 1848 - 14 August 1853.
Peter (McCutcheon) McGill	21 May 1847 - 10 March 1848.
James Morris	17 August 1853 - 10 September 1854; 2 August 1858 - 6 August 1858.
John Ross	11 September 1854 - 18 April 1856.
Étienne-Paschal Taché	19 April 1856 - 25 November 1857.
Narcisse Fortunat-Belleau	26 November 1857 - 1 August 1858; 7 August 1858 - 19 March 1862.
Allan Napier MacNab	20 March 1862 - 8 August 1862.
Alexander Campbell	12 February 1863 - 12 August 1863.
Ulrich Joseph Tessier	13 August 1863 - 15 August 1866.

Source: J. O. Côté, ed. *Political Appointments and Elections in the Province of Canada, from 1841 to 1865*. 2nd ed. enl. Ottawa: G. E. Desbarats, 1866.



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## Errata

### Page

- 45 Second paragraph should not be indented.
- 58 Lines 27 through 34 should be indented.
- 70 Line 29 should read: "... religious sects; government's tampering ..."
- 77 Line 27 should read: "... because one of his own clients had been involved ..."
- 78 Line 23 should read: Desjardins Canal Company
- 88 Endnotes 1 and 2 should read: Canniff.
- 89 Endnote 11 should read: *Dictionary of Canadian Biography*, vol. 10, p. 637.
- 93 Line 30 should read: "... his knowledge of members ..."
- 114 Line 17 should read: "... continued to practice law and, in 1854, was made ..."
- 116 Line 18 should read: "... he rejected this offer because of his political ideals ..."
- 119 Endnote 22 should read: Desjardins.
- 132 Line 33 should read: "... members passed 15 resolutions which contained ..."
- 133 Endnote 1 should read: *Dictionary of Canadian Biography*, vol. 11.
- 134 Endnotes 5, 7, 21, 22 and 23 should read: *Dictionary of Canadian Biography*, vol. 11.
- 161 Line 4 should read: Augustin-Norbert.
- 172 Line 36 should read: "In 1876 ..."
- 175 Endnote 6 should read: *The Dairy Industry in Canada*.
- 176 Endnote 18 should read: *The Stratford Herald*, 29 June 1908.
- 181 Endnote 2 should read: Rose, *A Cyclopedia of Canadian Biography*.
- 181 Endnote 3 should read: *Dictionary of Canadian Biography*, vol. 12, p. 52.
- 185 Line 38 should read: "In the course of the 9th parliament ..."
- 192 Endnote 8 should read: 1903.
- 193 Endnote 14 should read: 10th parliament.
- 198 Endnote 12 should read: *The Woman Suffrage Movement in Canada*.
- 206 Endnote 3 should read: Legislative Library, Information and Reference Services, 1984.
- 206 Endnote 4 should read: L. K. Cameron, 1905.
- 212 Endnote 18 should read: Legislative Library, Research and Information Services, 1984.
- 214 Line 37 should read: "In this instance, the Liberals and Conservatives expressed their contempt for the legislation in a similar fashion."
- 216 Endnote 2 should read: Legislative Library, Research and Information Services, 1984.

- 218 Line 11 should read: "... as a knowledgeable individual ..."
- 244 Line 28 should read: "... stepped down from the dais ..."
- 244 Lines 22-23 should read: George Doucett.
- 244 Line 30 should read: Farquhar Oliver.
- 245 Endnote 1 should read: Legislative Library, Research and Information Services, 1985.
- 249 Line 5 should read: George Doucett.
- 249 Line 11 should read: Farquhar Oliver.
- 250 Line 2 should read: "... those preceding it ..."
- 251 Endnote 4 should read: 1984.
- 254 Endnote 1 should read: Legislative Library, Research and Information Services, 1985.
- 255 Endnote 15 should read: "Ven. Myrddyn Cooke Davies."
- 259 Endnote 4 should read: Legislative Library, Research and Information Services, 1984.
- 264 Endnote 8 should read: (Toronto: Baptist Johnson, 1952), pp. 18-20.
- 267 Line 19 should read: "... were introduced and ratified ..."
- 273 Endnote 5 should read: Legislative Library, Research and Information Services, 1984.
- 274 Endnote 15 should read: McDougall.
- 290 Endnote 1 should read: April 1983.
- 290 Endnote 3 should read: Legislative Library, Research and Information Services, 1984.
- 291 Endnotes 9 and 14 should read: *Thunder Bay Chronicle-Journal*.
- 303 Endnote 14 should read: (16 January 1986).



## Index

This index lists individuals as well as the names of towns, cities, educational institutions, hospitals, etc. Place names are followed by the name of a province, state or country in parentheses for locations outside of the territory that makes up present-day Ontario, e.g., Aberavon (South Wales). Ontario is specified only when necessary to prevent confusion with another place bearing the same name, e.g., London (Ontario). In addition, for the sake of simplicity, the term "Quebec" has been used for locations in what is now the Province of Quebec even when the reference is to the former Province of Lower Canada or the Province of Canada.

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